

# **Lindon City Planning Commission Staff Report**



September 11, 2018

# Notice of Meeting

## Lindon City Planning Commission



The Lindon City Planning Commission will hold a regularly scheduled meeting on Tuesday, September 11, 2018, in the Council Room of Lindon City Hall, 100 North State Street, Lindon, Utah. The meeting will begin at 7:00 p.m. This meeting may be held electronically to allow a commissioner to participate by video or teleconference. The agenda will consist of the following:

### AGENDA

Invocation: By Invitation

Pledge of Allegiance: By Invitation

#### 1. Call to Order

#### 2. Approval of minutes

Planning Commission 08/28/2018

#### 3. Public Comment

(20 minutes)

#### 4. Conditional Use Permit — JSR Inc.

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

(20 minutes)

#### 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 Residential Single Family (R1-20) to the Light Industrial (LI) zone. Parcel ID #14:065:0131 Anderson Lumber Company (BMC Stock Holdings, Inc.). Total land area of ~1.25 acres. Recommendation(s) will be forwarded to the City Council. (Pending Ordinance 2018-17-O).

(15 minutes)

#### 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. The proposal would address potential hours during which Inappropriate Noises are not allowed. Recommendations will be forwarded to the City Council for final approval. (Pending Ordinance 2018-9-O) *(Item continued from 8/28/2018)*

(15 minutes)

#### 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.

#### 8. New Business from Commissioners

#### 9. Planning Director Report

Adjourn

Staff Reports and application materials for the agenda items above are available for review at the Lindon City Planning Department, located at 100 N. State Street, Lindon, UT. For specific questions on agenda items our Staff may be contacted directly at (801) 785-7687. City Codes and ordinances are available on the City web site found at [www.lindoncity.org](http://www.lindoncity.org). The City of Lindon, in compliance with the Americans with Disabilities Act, provides accommodations and auxiliary communicative aids and services for all those citizens in need of assistance. Persons requesting these accommodations for City-sponsored public meetings, services programs or events should call Kathy Moosman at 785-5043, giving at least 24 hours notice.

The above notice/agenda was posted in three public places within Lindon City limits and on the State <http://www.utah.gov/pmn/index.html> and City [www.lindoncity.org](http://www.lindoncity.org) websites.

**Posted By:** Brandon Snyder, Associate Planner  
**Date:** September 7, 2018

**Time:** 9:30 a.m.

**Place:** Lindon City Center, Lindon Police Station, Lindon Community Center



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## **Item I: Call to Order**

Lindon City Planning Commission Meeting September 11, 2018

### **Roll Call:**

Sharon Call  
Steve Johnson  
Rob Kallas  
Charlie Keller, excused  
Mike Marchbanks  
Mike Vanchiere

**Item 2: Approval of Minutes**

Lindon City Planning Commission Meeting August 28, 2018

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**  
4 **August 28, 2018 beginning at 7:00 p.m.** at the Lindon City Center, City Council  
Chambers, 100 North State Street, Lindon, Utah.

6 **REGULAR SESSION – 7:00 P.M.**

8 Conducting: Sharon Call, Chairperson  
Invocation: Rob Kallas, Commissioner  
10 Pledge of Allegiance: Mike Vanchiere, Commissioner

12 **PRESENT** **EXCUSED**

Sharon Call, Chairperson  
14 Rob Kallas, Commissioner  
Mike Marchbanks, Commissioner  
16 Charlie Keller, Commissioner  
Steven Johnson, Commissioner  
18 Mike Vanchiere, Commissioner  
Hugh Van Wagenen, Planning Director  
20 Brandon Snyder, Associate Planner  
Kathy Moosman, Recorder

22

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

24

2. **APPROVAL OF MINUTES** –The minutes of the regular meeting of the  
26 Planning Commission meeting of August 14, 2018 were reviewed.

28

COMMISSIONER MARCHBANKS MOVED TO APPROVE THE MINUTES  
OF THE REGULAR MEETING OF AUGUST 14, 2018 AS AMENDED.  
30 COMMISSIONER KELLER SECONDED THE MOTION. ALL PRESENT VOTED IN  
FAVOR. THE MOTION CARRIED.

32

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

36

**CURRENT BUSINESS** –

38

4. **Public Hearing — Zone Map Amendment, Commercial Farm Zone - 450 E.**  
40 **Center St.** Mike Jorgensen, Walker Farms of Lindon, LLC, requests approval of  
a Zone Map Amendment to reclassify the following parcels from Residential  
42 Single Family (R1-20) to the Commercial Farm (CF) zone: 14:073:0237 (Mike  
Jorgensen, MJ Real Estate Holdings LLC) and 14:073:0036 (Mike Jorgensen, MJ  
44 Real Estate Holdings LLC). Total land area of 1.06 acres. Recommendation(s)  
will be forwarded to the City Council. (Pending Ordinance 2018-16-O).

46

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

6 Brandon Snyder, Associate Planner, noted the applicant, Mike Jorgensen is in  
7 attendance tonight representing this item. Mr. Snyder then gave an overview of this item  
8 by stating Mr. Jorgensen is requesting to rezone the subject properties from Residential  
9 (R1-20) to the Commercial Farm (CF) zone (the properties under consideration were  
10 recently purchased by Mr. Jorgensen). He noted in discussions with the applicant, it  
11 appears that the main reason for rezoning the properties is to add them to the adjacent CF  
12 zoned parcels also under his ownership. This will increase the area for a proposed  
13 reception center in the CF zone that is currently under review by City Staff.

14 Mr. Snyder pointed out that adding acreage will easily allow the proposed  
15 reception center to be able to comply with the Lindon Code requirement that some of the  
16 property associated with the use will be left in agricultural production. He noted the  
17 applicant would be adding the acreage of these properties to the adjacent properties  
18 recently rezoned to the CF zone.

19 Mr. Snyder indicated the applicant intends to build a reception/event center while  
20 raising and breeding alpacas and selling alpaca wool. He explained that staff is reviewing  
21 the site plan application to ensure all site requirements are met regarding parking,  
22 landscaping, fencing, building height, etc. and it will be brought before the Planning  
23 Commission and City Council once ready (the latest version of the site plan is included in  
24 the staff report). The properties currently being considered for rezoning are vacant and  
25 most recently have been used for agricultural related purposes.

26 Mr. Snyder then referenced Lindon City Code that states Commercial farm zones  
27 (CF) are established to provide encouragement of agricultural production and associated  
28 commercial activities that are compatible with and/or promote agricultural uses within  
29 the city. Objectives of the zone include promoting and preserving agricultural production,  
30 promoting agricultural open space throughout the city, and allowing associated  
31 commercial activities which could be used as additional revenue sources to help sustain  
32 and support agricultural industry within Lindon. He stated although the intent of the zone  
33 is to promote agricultural uses within the city, the zone may be utilized as a “holding  
34 zone” to allow reasonable options for income from agricultural and/or commercial uses  
35 for a period of time before developing the land in conformance with the general plan land  
36 use map.

37 Mr. Snyder stated permitted uses in the CF zone include the following: Single-  
38 family residence; accessory buildings to a single-family dwelling; agricultural production  
39 and related accessory buildings; other permitted uses in the R1 residential zones. Uses  
40 that are permitted conditionally include the following: Caretaker’s or farm-help accessory  
41 dwelling unit; commercial horse stables; farmers’ market; greenhouses; plant or garden  
42 nursery; garden center; bed and breakfast facility; educational programs and associated  
43 facilities; amphitheater; reception center; conference center; boutique; cafe; restaurant;  
44 veterinary clinic; and food manufacturing (not to exceed two thousand (2,000) square feet  
45 of processing and production area). Mr. Snyder stated public hearing notices required per  
46 city code were mailed on August 16, 2018 and no public comments have been received  
back at this time.

2 Mr. Snyder further explained the proposed area to be rezoned is 1.06 acres. The  
existing CF zone is 5.23 acres with combined total of 6.29 acres. He noted that increasing  
4 the acreage of the CF project will help to further address a concern raised in 2017, if 5  
acres as a minimum project size is adequate. The minimum area of any lot or parcel of  
6 land in the CF zone shall be five (5) acres. Multiple parcels that total five (5) acres or  
more may qualify as meeting the minimum lot area without combining the parcels only  
8 when they are under identical legal ownership and are contiguous. A deed restriction  
prohibiting the separation of parcels may be required in order to maintain the minimum  
10 five (5) contiguous acres. He pointed out that staff has concerns over recent deed work by  
the applicant that has resulted in setback issues for existing accessory buildings, parcels  
12 that have been created that are land-locked (no frontage along a public street), and a  
parcel that doesn't have adequate acreage to comply with the zoning requirements.

14 Mr. Snyder indicated these issues were created when the applicant negotiated to  
buy additional parcels. He added that staff can work with the applicant to address and  
16 correct the concerns by adjusting property lines in accordance with Utah State Code and  
combining parcels in order to comply with zoning regulations relating to setbacks,  
18 acreage, frontage and subdividing. He noted another option to address the setback  
concerns would be to relocate or remove the existing accessory buildings. The applicant  
20 has previously provided a brief business plan and is working through a concept site plan  
for the property. Staff anticipates minor changes to the site plan if additional area is  
22 added to the CF zone.

Mr. Snyder then referenced the Business Plan for the Commercial Farm as follows:

- 24 • “We will have 14 alpacas. Our intent is to sell the offspring as breeding pairs, or  
what’s called a starter pack. This will consist of a pregnant female and an  
26 unrelated male. We can also sell the wool which can be quite expensive and  
highly sought after.”
- 28 • The reception/event center will be an additional revenue source for the alpaca  
operation. This is a conditionally permitted use in the CF zone. One of the main  
30 requirements for CF zone consideration is listed in LCC 17.51.015 and states:
- Agricultural Production Required
  - 32 1. At least 40% of the property must be maintained in active agricultural  
production and be managed in such a way that there is a reasonable  
34 expectation of profit. Land used in connection with a farmhouse, such as  
landscaping, driveways, etc., cannot be included in the area calculation for  
36 agricultural production eligibility.
  - 38 2. For the purposes of this chapter, “agricultural production” shall be defined as  
the production of food for human or animal consumption through the raising  
40 of crops and/or breeding and raising of domestic animals and fowl (except  
household pets) in such a manner that there is a reasonable expectation of  
42 profit. The application does meet the requirements for lot area, lot width, lot  
depth, and lot frontage. The concept site plan does show the existing single-  
44 family home in addition to a caretaker dwelling that is currently being restored  
(Center and 500 East).

46 Mr. Snyder then presented a photo (from Center Street looking south), the  
Conceptual Site Plan and Building Elevations, LCC 17.51 Commercial Farm Zone, and

2 the Planning Commission and City Council meeting minutes from 2017 followed by  
discussion. He then turned the time over to the applicant for comment.

4 Mr. Jorgensen stated by acquiring the Walker property it can be agricultural with  
the parking adjacent. Mr. Snyder indicated he would just need to be in compliance with  
6 city code. Mr. Jorgensen then explained the site plan in detail. Following some general  
discussion Mr. Snyder stated he is hearing if the boundary line of the existing parcel is  
8 shifted slightly to the east to accommodate the required setbacks from the existing  
accessory buildings, the planning staff can appropriately display the new zoning  
10 boundary line as the adjusted property line per Lindon City Code.

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

14 COMMISSIONER VANCHIERE MOVED TO CLOSE THE PUBLIC  
HEARING. COMMISSIONER MARCHBANKS SECONDED THE MOTION. ALL  
16 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

18 Following some additional discussion, the Planning Commission recommended to  
approve the applicant’s request to rezone the subject properties with the condition that  
20 Mr. Jorgensen works with City Staff to address and correct the setback concerns and lot  
issues raised by recent unapproved divisions of land.

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

24  
COMMISSIONER VANCHIERE MOVED TO RECOMMEND TO THE  
26 LINDON CITY COUNCIL APPROVAL OF THE APPLICANT’S REQUEST TO  
REZONE THE SUBJECT PROPERTIES WITH THE CONDITION THAT THE  
28 APPLICANT WORKS WITH CITY STAFF TO ADDRESS AND CORRECT THE  
SETBACK CONCERNS AND LOT ISSUES RAISED BY RECENT UNAPPROVED  
30 DIVISIONS OF LAND. COMMISSIONER MARCHBANKS SECONDED THE  
MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

32 CHAIRPERSON CALL AYE  
COMMISSIONER MARCHBANKS AYE  
34 COMMISSIONER KALLAS AYE  
COMMISSIONER KELLER AYE  
36 COMMISSIONER JOHNSON AYE  
COMMISSIONER VANCHIERE AYE

38 THE MOTION CARRIED UNANIMOUSLY.

40 5. **Conditional Use Permit — Gillman Farms Elk Ranch.** Deny Farnworth  
requests conditional use permit (CUP) approval for a domestic elk farm  
42 (Farnworth Gillman Farm’s Elk Ranch) on 9.3 acres located at 592 West Gillman  
Lane, in the Residential Single-Family (R1-20) zone.

44  
Mr. Snyder gave a brief overview of this item stating the applicant, Deny  
46 Farnworth, who is attendance, has requested approval from the Lindon City Planning  
Commission for a domestic elk farm. He noted no hunting activities are requested or will  
48 be allowed to take place at this location. The applicant is proposing to be allowed 54-90  
elk as a maximum. The question tonight is how many elk are appropriate for this site He

2 noted the State recommendation by Leslie McFarlane, Domestic Elk Manager, for this  
property is no more than 50-60 total which is about 6 elk per acre. Bulls generally require  
4 separate pens and more space. Main public complaint is occasional animal noises (bugles  
and calls) during fall breeding. State regulations address main concerns of escape and  
6 disease.

8 Mr. Snyder indicated that Elk are considered to be a wild animal per Lindon City  
Code that indicates the following: 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  
10 Commission. Conditional uses shall be regulated according to Chapters 17.20 through  
17.24 of Lindon City Code. The potential allowance of wild and/or exotic animal species  
12 and the quantities of said species are subject to approval on a case-by-case basis.  
Conditions of approval may be imposed by the Planning Commission as deemed  
14 necessary to protect the public health, safety, and welfare including, but not limited to,  
increased setbacks, fencing, size and type of enclosure or structure, etc.

- 16 • Objective 5 (Community Vision – Lindon City General Plan) Maintain the quality  
of existing and future neighborhoods and land use areas within the City through  
18 preservation of animal rights, community beautification, improved parks & trails,  
and other pursuits relating to provident living, recognizing all segments of our  
20 community (age, economic status, etc.).
- 22 • Objective 9 (Community Vision – Lindon City General Plan) is to protect and  
maintain the rights of Lindon City residents to own and possess on their property,  
24 as is appropriate for property size, farm animals such as horses, cows, chickens,  
pigs, goats, sheep, etc., as well as cats and dogs; and provide these same rights to  
26 new residential developments.

28 Mr. Snyder stated the site has existing structures (barns) and animal enclosures  
that comply with the setback requirements. He pointed out that Mr. Farnworth has  
already been issued a license from the State of Utah (Department of Agriculture and  
30 Food) for a Domestic Elk Farm. He noted most Elk Farm owners raise the elk as a hobby  
and/or business (breeding stock, velvet production, meat production, and mature bulls  
32 sold for hunting on private property). He stated third party public notices required per  
city code were mailed on August 17, 2018 and no public comments have been received at  
34 this time.

36 Mr. Snyder explained that Lindon City code, Animal Regulations Title 6 indicates  
that the ability to keep animals and livestock has been and continues to be a defining  
characteristic of the rural atmosphere that Lindon City seeks to maintain. He noted the  
38 animal control ordinance shall provide a reasonable opportunity for the residents of  
Lindon to maintain animals on their property within the constraints and limits of this  
40 provision. It shall also be the purpose of this ordinance to provide regulations,  
constraints, and limits on the number of animals kept and the manner in which the  
42 animals are maintained in order to minimize the impact on neighboring property owners.

44 Mr. Snyder pointed out that Lindon City recognizes that the keeping of animals  
and livestock is inherently associated with odors, animal excrete, flies, and some noises.  
Unless otherwise stated within this Title, a reasonable level of tolerance will be permitted  
46 for these inherent characteristics such as odors, flies, and animal noises that are common  
to the keeping of animals and livestock in order to protect, preserve, and maintain the

2 rights of land owners to raise animals on their properties. He also referenced the  
applicable laws and standards of review.

4 Mr. Snyder then referenced the Site Plan, State of Utah License (Domestic Elk  
Farm), State of Utah Elk Facility, Checklist, Regulation R58-18. Elk Farming, Regulation  
6 R58-19 Compliance Procedures, Utah Code 4-39 Domesticate Elk Act. He then turned  
the time over to the applicant for comment.

8 Mr. Deny Farnworth explained they are here tonight to request a permit to raise elk  
at their facility. He noted is consists of 9.4 acres of which they are utilizing about 9 acres  
10 for the elk farm. He indicated they have correlated with the State of Utah according to  
their rules and regulations and have exceeded their requirements and have received a  
12 license from the State of which Lindon City has a copy of. Their fences are 8' high made  
of high-tensile steel wire. The state required 5" pressure treated posts 12' tall 20' apart,  
14 and they have installed 7"-8" pressure treated posts 18' apart. All exterior gates are  
2"x2"x1/4" thick square tubing and are locked with pad locks.

16 Mr. Farnworth stated they have double gated the main entry to keep any elk from  
breaching the perimeter and have a dart gun in case any problems arise. They have  
18 acquired a hydraulic squeeze shoot specifically designed for elk to use in any medical or  
emergency purposes. He explained at Gillman Farms Elk Ranch their start up plan is to  
20 have 2 bulls and approximately 20 cows. Each year they will have calves, some they will  
raise and some they will sell. He pointed out the state has no requirements as far as  
22 animals per acre amount. The rule of thumb they have heard from other breeders and  
other elk facilities is 6-10 animals per acre but they will never exceed that amount.

24 Chairperson Call stated her biggest concern is that we don't want to go over the  
state recommendation on the numbers allowed.

26 Mr. Farnworth re-iterated there is not an actual number defined from the state as it  
depends on what you are doing with them. He pointed out these elk have been in pens  
28 their entire lives and are domestic. They have tried to make this more user friendly in the  
end of the day and they have gone above and beyond what the state is requiring for  
30 fencing to make it nicer. He noted these elk are Chronic Wasting Disease (CWD)  
resistant and if they were to get out he has to immediately call the State and the DWR. He  
32 noted this has been a good learning experience for his family over the past year and a  
half. He then passed out a sheet of interesting facts relating to this request. There was  
34 then some general discussion regarding the amount to authorize and the nuisance aspect  
with the noise and smells involved etc.

36 Angie Neuwirth, resident in attendance, commented she would prefer nature  
noises over manufactured noises any day and that would not bother her. James Wagner,  
38 resident in attendance, stated he lives next door to where the elk farm is. He stated they  
are supportive of the farm and they want the elk because they are natural and he gives a  
40 two-thumbs up to this elk farm.

Chairperson Call expressed that the Commission wants this to be successful, but  
42 suggested to perhaps authorize a lower number to start and then see how it goes. Mr.  
Snyder indicated they could consider not restricting the total number but break it out to  
44 bulls and cows and specifically. Mr. Snyder pointed when the Lindon City Code calls  
out something as conditional use permit it is required by state law to approve it unless we  
46 cannot place conditions on it to properly mitigate a nuisance or impact on the neighbors  
that is being created. He added for informative purposes, horses or cows would not need  
48 approval from the city but what the city does look at is where they may place fencing and

2 structures at the location etc., maintenance issues as well as there may be nuisance issues  
to think about for future calls or complaints.

4 Commissioner Keller brought up an elk farm in Willard County with 60 acres and  
a lot of elk. He feels the neighbors should understand and be aware that there will be  
6 some issues with noise and smells etc. in the middle of a residential area.

8 Mr. Farnworth stated he has done his research and suggested starting with 6-10  
and to mitigate it down to 6 if there is a problem. He pointed out he doesn't complain to  
others about nuisance dogs etc. and he doesn't want to keep something that is a nuisance  
10 to his neighbors. Commissioner Kallas suggested starting with a total of 60 animals with  
no more than 10 mature bulls with the definition of a mature bull being over 3 years old.  
12 The Commission was in agreement to that suggestion.

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

16 COMMISSIONER KALLAS MOVED TO APPROVE THE APPLICANT'S  
REQUEST FOR A CONDITIONAL USE PERMIT FOR A DOMESTIC ELK FARM,  
18 TO BE LOCATED AT 592 WEST GILLMAN LANE, IN THE RESIDENTIAL  
SINGLE-FAMILY (R1-20) ZONE, WITH THE FOLLOWING CONDITIONS: 1.  
20 RESTRICT TOTAL NUMBER OF ELK (INCLUDING BULLS, COWS AND  
CALVES) TO NO MORE THAN 60 ANIMALS AND NO MORE THAN 10 MATURE  
22 BULLS AT ANY TIME WITH THE DEFINITION OF MATURE BEING OVER 3  
YEARS OF AGE AND 2. NO HUNTING ACTIVITIES TO TAKE PLACE ON-SITE,  
24 AND 3. MAINTAIN LICENSING AND COMPLY WITH REGULATIONS AS  
REQUIRED BY THE STATE OF UTAH TO OPERATE A DOMESTIC ELK FARM  
26 (AS PER LINDON CITY CODE 6.16.020). COMMISSIONER MARCHBANKS  
SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

28 CHAIRPERSON CALL AYE  
COMMISSIONER MARCHBANKS AYE  
30 COMMISSIONER KALLAS AYE  
COMMISSIONER KELLER AYE  
32 COMMISSIONER JOHNSON AYE  
COMMISSIONER VANCHIERE AYE  
34 THE MOTION CARRIED UNANIMOUSLY.

36 **6. Public Hearing — Ordinance Amendment, Lindon City Code 8.20 Public**  
**Nuisances.** Lindon City requests approval of an amendment to Lindon City Code  
38 Section 8.20.030 Nuisance – Definition subsection (2)(cc) Inappropriate Noise.  
The proposal would address potential hours during which Inappropriate Noises  
40 are not allowed. Recommendations will be forwarded to the City Council for final  
approval. (Pending Ordinance 2018-9-O) (Item continued from 6/12/18).

42 COMMISSIONER VANCHIERE MOVED TO OPEN THE PUBLIC  
44 HEARING. COMMISSIONER JOHNSON SECONDED THE MOTION. ALL  
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

46 Hugh Van Wagenen, Planning Director, gave some background of this item  
48 explaining noise complaints are not uncommon but are not particularly frequent either.

2 However, the existing nuisance code regarding Inappropriate Noise does not have any  
defined quiet hours, but rather leaves the time frame open to interpretation based on  
4 “noise that is substantially incompatible with the time and location where created...”  
City staff prefers to have defined hours from 10:30 pm to 7:00 am where it is very clear  
6 that inappropriate noise is not permitted. He noted this helps not only with enforcement,  
but also with public education.

8 Mr. Van Wagenen noted at the last Planning Commission meeting several  
residents voiced their concerns over an event center in their neighborhood that was  
10 disturbing the peace. The Commission asked staff to draft a more detailed ordinance that  
would protect residents from adverse impacts and coordinate with Chief of Police Adams  
12 on the draft. The Commission also stated that 10:00 pm was more appropriate for night  
hours than 10:30 pm and to be broken out by zone. He then referenced the latest draft of  
14 the ordinance for review highlighting the changes. He also referenced the noise chart  
showing decibel levels followed by discussion.

16 Chairperson Call asked for any public comments at this time. Scott Thompson,  
attendee, mentioned he helped at a drag racing track surrounded by commercial and  
18 residential and they kept that at 92 decibels (racing engine) so he feels 85 decibels are not  
unreasonable. Following some additional discussion, the Commission agreed to continue  
20 this item to allow staff time to further measure decibel levels (exterior and interior  
disturbances) and to look at zones specifically. Mr. Van Wagenen stated staff will tweak  
22 the ordinance and bring it back before the Commission.

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

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

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

32  
34 COMMISSIONER KALLAS MOVED TO CONTINUE ORDINANCE  
AMENDMENT 2018-9-O. COMMISSIONER KELLER SECONDED THE MOTION.  
THE VOTE WAS RECORDED AS FOLLOWS:

36 CHAIRPERSON CALL AYE  
COMMISSIONER MARCHBANKS AYE  
38 COMMISSIONER KALLAS AYE  
COMMISSIONER KELLER AYE  
40 COMMISSIONER JOHNSON AYE  
COMMISSIONER VANCHIERE AYE  
42 THE MOTION CARRIED UNANIMOUSLY.

44 **7. Discussion Item — Lindon City General Plan, Environmental Planning.**  
Lindon City Planning & Economic Development Director, Hugh Van Wagenen,  
46 will review the Environmental Planning section with the Planning Commission.  
This is an informative discussion item only. No motions will be made.  
48

2 Mr. Van Wagenen presented information regarding the Lindon City General Plan  
update by giving an overview of the Environmental Planning section of the document. He  
4 noted this is an informative discussion only with no formal action being taken at this  
time. There was then some general discussion regarding the Environmental Planning  
6 section of the General Plan including types of flora and fauna, wetland banks, heritage  
trail, soil conditions, hillside ordinance requirements, flood zones, geologic hazards  
8 (faults, liquefaction), and canals and aqueducts. Mr. Van Wagenen noted there are a lot of  
things to consider with environmental planning when drafting codes and ordinances.

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

- 12
- 14 8. **Discussion Item — Car lots.** Hugh Van Wagenen, Planning Director, will review  
and discuss with the Planning Commission, car lots in general. This is an  
informative discussion item only. No motions will be made.

16

18 Mr. Van Wagenen reviewed and discussed with the Planning Commission, car  
lots in general. He noted this is an informative discussion item only with no motions  
needing to be made at this time. There was then some general discussion regarding car  
20 lots in general. Specifically, the used car lot on 800 West was discussed on the site of the  
former Mitchell Excavation. He noted that currently the only regulations a dealership  
22 would have is the same as any other business with parking, landscaping etc. The  
discussion then focused on where car lots are located generally.

24 Mr. Van Wagenen asked if we want similar requirements adopted as on State  
Street in non-commercial (industrial areas) that would preclude areas on smaller lots and  
26 smaller operations. Following discussion, the Commission agreed this is specific to the  
lot on 800 West because of the proximity to residential areas. The Commission was also  
28 in agreement to change the language to say “when adjacent to residential when it borders  
on two sides” as to make it more restrictive and to ensure it creates a buffer to residential.

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

- 32
- 34 9. **New Business: Reports by Commissioners** – Chairperson Call called for any  
new business or reports from the Commissioners.

36 Chairperson Call mentioned she received a call from a resident about her water bill  
going up due to the water backing up in the street and she would like someone from the  
38 city to check into it. Mr. Van Wagenen stated it sounds like a stormwater issue, but he  
will get the information to the right hands. Commissioner Kallas asked about the urban  
40 deer problem that was discussed at the last City Council meeting. Mr. Van Wagenen  
stated the council received information from Chief Adams on different options and  
42 programs to mitigate the issue. Commissioner Johnson asked about the residential  
overlay discussed at the last City Council meeting. Mr. Van Wagenen stated they  
44 approved it with two changes made with landscaping and clarification as far as standards  
go. He noted Councilmember Hoyt voted no due to the parking lot not being paved.

- 46
- 48 10. **Planning Director Report** – Mr. Van Wagenen reported on the following item  
followed by discussion.



**Item 3: Public Comment**

**1** - Subject \_\_\_\_\_  
Discussion

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**2** - Subject \_\_\_\_\_  
Discussion

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**3** - Subject \_\_\_\_\_  
Discussion

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## Item 4: Conditional Use Permit — JSR Inc.

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

<p>Applicant: Jeremy and Kara Stone Presenting Staff: Brandon Snyder</p> <p>General Plan: Residential Low Zone: Residential Single Family R1-20</p> <p>Property Owner: Stone, John, Jeremy, and Kara (John N. Stone Family Living Trust) Address: 106 South 300 East Parcel ID: 39-033-0008 Lot Size: 0.61 acre</p> <p>Type of Decision: Administrative Council Action Required: No</p>	<p><u>SUMMARY OF KEY ISSUES</u></p> <ol style="list-style-type: none"> <li>1. Whether to <b>approve the applicant’s request</b> for a conditional use permit.</li> <li>2. Whether to impose reasonable conditions to mitigate potential detrimental impacts.</li> </ol> <p><u>MOTION</u></p> <p>I move to (<i>approve, deny, continue</i>) <b>the applicant’s</b> request for a conditional use permit to breed and sell exotic reptiles (boa constrictors and ball pythons) out of the accessory building only, at 106 South 300 East, in the Residential Single-Family (R1-20) zone, with the following conditions (if any):</p> <ol style="list-style-type: none"> <li>1. Maintain an active Lindon City Business License,</li> <li>2. Comply with applicable Building and Fire codes and regulations,</li> <li>3. Maintain a safe and secure facility to prevent animals escaping and to discourage trespassers or burglars,</li> <li>4. Keep all animals properly contained,</li> <li>5. Maintain a clean facility,</li> <li>6. Comply with Lindon City Home Occupation regulations, and</li> <li>7. No onsite raising or breeding of rodents, mice, rabbits or other food sources without further review and approval by Lindon City.</li> </ol>
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### REQUEST

The applicant relocated from 278 East 70 South to 106 South 300 East. (Literally across the fence from their previous residence in Lindon.) The applicant is trying to get their business license (#1077) transferred to the new address. The previously approved conditional use permit does not automatically transfer. Please refer to the minutes attached from 2004 regarding the approvals given for 278 East 70 South.

Information provided by the applicant indicates that the accessory building they are using is a metal detached garage located in the back corner of the property. “Constructed by the previous owner, we have modified the building, insulating the walls and ceiling to accommodate the temperature control we need to maintain our business. We also permanently disabled the use of the two overhead garage doors and insulated around them as well to maintain adequate temperature control. All business is conducted in this structure. Not in the main family dwelling.” The accessory building was existing on the property at the time of purchase.

“This is not a new business, we moved into our previous home and accessory building in November 2005, completing construction of the home in March 2006. We have maintained business licenses in Orem prior to our move to Lindon, and in Lindon since we moved in 2006. The new location is located on the back corner of our property, with a large empty lot surrounding the structure. We have always been closed to the public. We employ two independent contractors, who live in our neighborhood, so they walk to work. We have deliveries made from time to time, but nothing unusual or that would impact the neighborhood in any way.”

“We breed and sell exotic reptiles, boa constrictors and ball pythons, via our website. We do not have a store front, and never intend to. The lot next to our building is sufficient to accommodate and type of parking arrangement the would be required to handle that demand, causing no disruption to the neighborhood. Our website is [www.boaconstrictor.com](http://www.boaconstrictor.com). We are not keeping any other animals off site in Lindon. They are all contained in our building. We have a tap in the building for irrigation water, and a french drain was installed dispose of any waste water we have to deal with. We would not be impacting the sewer capacity or disposing of any hazardous or dangerous liquids. We have been operating out of Lindon for the past twelve years and just want to continue our quiet online presence. We love it here and just want to continue to run our business in a legal and approved way.”

#### PROPERTY

1. The existing residence was built in 1979.
2. The existing accessory building was built in 2000 by way of building permit #3592. The building is 1440 square feet in area (30'X48").



## OVERVIEW

- Lindon City records (Code Enforcement and Police) do not indicate any regular or ongoing nuisance complaints related to smells or loose animals. When first operating there were a few noted concerns with smells but those were resolved. Police have been called mostly regarding alarms, theft and burglary.
- Wild and Exotic animals are regulated by Lindon City Code (LCC) 6.16, which indicates: 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 Commission. Conditional uses shall be regulated according to Chapters 17.20 through 17.24 of Lindon City Code. 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 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, fencing, size and type of enclosure or structure, etc.

Link: <http://www.boaconstrictor.com/>

Third Party Public Notices required per LCC section 17.14.50 were mailed on August 30, 2018. No public comments have been received at this time.



### ANALYSIS

LCC 6.04.003 Purpose and Intent: The animal control ordinance shall provide a reasonable opportunity for the residents of Lindon to maintain 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 number of animals kept and the manner in which the animals are maintained in order to minimize the impact on neighboring property owners...Lindon City recognizes that the keeping of animals and livestock is inherently associated with odors, animal excrete, flies, and some noises. 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 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.

*Applicable laws and standards of review*

- State Code defines a conditional use as "a land use that, because of its unique characteristics or potential 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 that mitigate or eliminate the detrimental impacts."
- Section 10-9a-507 of the State Code requires municipalities to grant a conditional use permit "if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards." Once granted, a conditional use permit runs with the land.
- State Code further provides that a conditional use permit application may be denied only if "the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards." Utah Code § 10-9a-507.
- LCC Section 17.20.060 provides that a conditional use may be denied when:
  - "[U]nder circumstances of the particular case, the proposed use will be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity, and there is no practical means available to the applicant to effectively mitigate such detrimental effects;" or,
  - "[T]he applicant cannot or does not give the Planning Commission reasonable assurance that conditions imposed incident to issuance of a conditional use permit will be complied with."

ATTACHMENTS

- 2004 Minutes

NOTICE OF MEETING  
OF THE  
LINDON CITY PLANNING COMMISSION

hereby given that the Lindon City Planning Commission will hold a regularly scheduled meeting on **Wednesday July 14, 2004** in the Council Room of Lindon City Hall, 100 North State Street, Lindon, Utah. The meeting will begin at 7:00 P.M. The agenda will consist of the following items:

Prayer: Marilyn Simister

**AGENDA**

1. Pledge of Allegiance
2. Approval of Minutes
3. Public Comment
4. New Business (Reports by Commissioners)
5. T.L.C. Landscaping - 1483 West 70 South - Site Plan Amendment  
This is a request by Tucker Lawn Care for approval of a landscape materials storage area and composting operation.
6. Wasatch Timber - 292 North 2000 West - Site Plan Modification  
This is a request by the property owner to modify the landscaping plan allowing for decorative rock landscaping instead of sod.
7. Dirker Farms, Plat "B" - 254 East 70 South - Subdivision Plat Amendment  
This is a request to combine two lots in Dirker Farms Plat "A" into one larger lot.
8. Grubbs, Plat "A" - 1530 West 200 South - Preliminary Subdivision Application  
This is a request to create a one lot subdivision in the LI Zone.
9. Standard Land Use Table Amendment - 5510 - Personal ATV & Water Craft Sales & Service  
This is a request to amend the SLU Table allowing SLU 5510 as a conditional use in the CG, LI, & MC Zones.
10. Commercial Architectural Design Discussion
11. Planning Director Report
  - a. Canberra Heights Grading Plan
  - b. Safe and Secure Self Storage - Expansion
  - c. Field Trip Opportunities

Adjourn

The City of Lindon, in compliance with the Americans With Disabilities Act, provides accommodations and auxiliary communicative aids and services for all those citizens in need of assistance. Persons requesting these accommodations for City-sponsored public meetings, services programs or events should call Venla Gubler at 785-5043, giving her at least 24 hours notice.

POSTED BY: Kevin Smith  
TIME: 5:00 PM

DATE: July 9, 2004  
PLACE: City Hall

6. **WASATCH TIMBER - 292 NORTH 2000 WEST - SITE PLAN MODIFICATION**

This is a request by the property owner to modify the landscaping plan allowing for decorative rock landscaping instead of sod.

Mr. Smith commented that the applicant ~~did not appear to be~~ was not present. He explained that the final inspection of the property had found that the site plan had been altered to include decorative rock and not sod as originally planned. He pointed out the location of the site on an aerial photo. Chairman Sweeten asked if the trees were installed. Mr. Smith replied yes. Commissioner Anderson noted that the business had not installed any grass at all. Chairman Sweeten commented that it appeared that the gravel on the northern end was used for travel. Mr. Smith observed that the City Engineers had delineated an access management plan for this regionally important storm water ditch. The ditch is planned for linear detention and this is the reason that accesses across the ditch are limited.

Chairman Sweeten asked why the business had deviated from the approved site plan. Mr. Smith replied that the owners cited maintenance issues and Utah's desert climate as their reasons. Chairman Sweeten observed that the code does not allow for an exception to the live plant material requirements. Mr. Smith agreed and read from the pertinent section. Commissioner Anderson suggested that some leeway is needed and that this is something that he the Commission has been "fighting for years." Mr. Smith observed that the other zones have leeway and pointed to the new Mixed Commercial zone. The Commissioners noted that some gravel or decorative rock in a site plan would be favored, but not all rock. The consensus was that the ordinance does not allow any leeway at present, so the Commission has no choice but to require sod. Mr. Smith observed that he would pass on the Commissioner's decision to the business owner. Commissioner Godfrey commented that a strip of grass is needed to maintain consistency within the zone, and he, for one, would not be in favor of loosening the requirements. He suggested that rock becomes weedy and harder to maintain than lawn.

There was a discussion about the ditch profile requirements and the landscaping efforts of other businesses along its length. Commissioner Godfrey mentioned a maintenance issue on a neighboring business, Mountain Topsoil. Mr. Smith replied that bringing existing sites up to code requirements is becoming extremely difficult. Commissioner Godfrey suggested that a motion to continue might be in order to allow the applicant a hearing. Chairman Sweeten suggested a motion to deny. Commissioner Godfrey felt that the Commission should err on the side of communication. Commissioner Anderson agreed with Commissioner Godfrey. Commissioner Godfrey suggested that the situation needs to be explained to the applicant so they understand that the landscaping is required.

COMMISSIONER GODFREY MOVED TO CONTINUE THE REQUEST BY WASATCH TIMBER AT 292 NORTH 2000 WEST FOR A MODIFICATION TO THE LANDSCAPING PLAN. COMMISSIONER ANDERSON SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

7. **DIRKER FARMS, PLAT "B" - 254 EAST 70 SOUTH - SUBDIVISION PLAT AMENDMENT**

2 This is a request to combine two lots in Dirker Farms, Plat "A" into one larger lot.

4 Mr. Jeremy Stone introduced himself. Mr. Smith informed the Commission that Mr.  
6 Stone has made a request to amend the Dirker Farms subdivision plat to make two lots into one  
8 so that he can build a large accessory building and home. He noted that the request fits the code  
10 and is necessary to vacate the utility easements that would be under the buildings.

12 COMMISSIONER BRYNER MOVED TO APPROVE THE REQUEST BY JEREMY  
14 STONE TO AMEND DIRKER FARMS, PLAT "A," LOTS 4 AND 5 AND CREATE DIRKER  
16 FARMS, PLAT "B," A ONE LOT SUBDIVISION AT 254 EAST 70 SOUTH AND  
18 RECOMMEND APPROVAL TO THE CITY COUNCIL. COMMISSIONER ANDERSON  
20 SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION  
22 CARRIED.

24 Mr. Smith then introduced the second issue. He explained that the accessory building will  
26 be used for a home occupation that is unusual. Mr. Stone is currently operating his business in  
28 Orem. He breeds non-venomous snakes. Mr. Stone presented his site plan and explained that the  
30 snakes he breeds are extremely rare and sold to private breeders. He brought out a snake to show  
32 the Commissioners. He explained that the snake was worth about \$10,000 and that the snake  
34 would die in the outside world. He added that his greatest fear is of theft and that some of his  
36 snakes are worth hundreds of thousands. He does education programs for schools, community  
38 groups and public forums.

40 Commissioner Peters asked Mr. Stone to explain how the snakes would be contained. Mr.  
42 Stone replied that most of the area in the accessory building is designated for construction of his  
specialty cages. Commissioner Bryner asked if the premises would have intruder alarms. Mr.  
Stone replied yes. He noted that he has operated under an Orem business license for the last  
seven years and that he does not have "retail" space. He has a few employees. Commissioner  
Godfrey asked how the snakes are shipped. Mr. Stone explained his shipping procedure and  
containers. Commissioner Peters confirmed that the accessory building is on the present building  
permit and the home will be on a future permit. Mr. Stone confirmed this statement. Mr. Smith  
explained that the business license will not be issued and no operation will take place until the  
home is under construction. Commissioner Anderson asked if a limit on the number of snakes is  
in the animal ordinance. Mr. Smith explained the current animal ordinance. The consensus of the  
Commissioners was to allow the home occupation as described. Chairman Sweeten thanked Mr.  
Stone.

36 8. **GRUBBS, PLAT "A" - 1530 WEST 200 SOUTH - PRELIMINARY SUBDIVISION**  
38 **APPLICATION**

40 This is a request to create a one lot subdivision in the LI zone.

42 Mr. Smith observed that this site plan had been approved several months ago, but that the  
subdivision plat was now ready for approval. He displayed the subdivision plat. Commissioner  
Anderson commented that there had been some property line discrepancies. Mr. Smith agreed  
and commented that the discrepancies had been resolved. He noted that the lots were less than an

NOTICE OF MEETING  
FOR THE  
LINDON CITY COUNCIL

It is hereby given that the Lindon City Council will hold a regularly scheduled meeting **beginning at 7:00 p.m. on Tuesday, July 20, 2004** in the Lindon City Center, City Council Chambers, at 100 North State Street, Lindon, Utah. The agenda will consist of the following:

**REGULAR SESSION - 7:00 P.M.**

Conducting: Larry A. Ellertson, Mayor  
Pledge of Allegiance: By Invitation  
Invocation: Jerald Hatch

**MINUTES** - The minutes of the special meeting of June 23, 2004, and the regular meeting of July 6, 2004 will be reviewed. - 10 minutes  
**OPEN SESSION** - Citizens comments - 10 minutes  
**MAYOR'S COMMENTS/REPORT** - 10 minutes  
**CONSENT AGENDA** - No Items

**CURRENT BUSINESS**

1. **Subdivision Plat Amendment** - *Dirker Farms Subdivision, Plat "B"*. This is a request by Jeremy Stone for approval to combine two lots in Dirker Farms Plat "A" into one larger lot. The address of the lots in question is approximately 254 East 70 South in the R1-20 zone. The Planning Commission recommended approval. - 30 minutes
2. **Preliminary Plat** - *Grubbs Subdivision, Plat "A"*. This is a request by Dan Stubbs and Charlie Garner for approval of a one lot subdivision, in the LI zone at 1530 West 200 South. The Planning Commission recommended approval. - 15 minutes
3. **Review and Action** - *Standard Land Use Table Amendment*. Staff requests the City Council take action to amend the city's Standard Land Use Table by creating a category of SLC 5510 - Personal ATV & Water Craft Sales as a conditional use in the CG, LI, and MC zones. The Planning Commission recommended approval. - 10 minutes
4. **Appeal Hearing** - *Revocation of Conditional Use Permit - Wasatch U-Cart*. Eric Maynes, owner of Wasatch U-Cart is appealing the decision of the Planning Commission to revoke the conditional use permit for his business at 240 North Geneva Road in the LI zone. - 60 minutes
5. **Presentation** - *Mountain View Corridor Transportation Route Alternatives*. The firm of Penna, Powers, Bryan, and Haynes was commissioned to perform this study. They will present to the Council the route alternatives which made it through the screening process. - 30 minutes
6. **Presentation** - *Mountainland Association of Governments Transportation Options*. Darrell Cook, Executive Director of MAG, will present an update concerning transportation issues in Utah County. - 30 minutes
7. **Discussion** - *Wise Water Use*. The Mayor and Council will discuss the progress of water conservation efforts within the city for this watering season. - 10 minutes
8. **Public Hearing** - *Change in the Certified Tax Rate*. The City Council will hear public comment and act to approve a change in the previously adopted certified tax rate for fiscal year 2004/2005. The adopted certified tax rate was .002095. Due to a problem at the State Tax Commission, the rate was recalculated and is now .001837. Last year's CTR was .001874. - 5 minutes
9. **Review and Action** - *Utah County CDBG Letter*. The City Council will discuss the proposal from Utah County concerning community development block grant funds. - 15 minutes

**COUNCIL REPORTS:** - 30 minutes

- |  |   |                 |
|--|---|-----------------|
| A) WATER, SEWER, SOLID WASTE, HOUSING CONSORTIUM           | - | JERALD HATCH    |
| B) TRAILS, PLANNING, ZONING, BD OF ADJ, ADMINISTRATION     | - | LINDSEY BAYLESS |
| D) PUBLIC SAFETY, COURT, BUILDING INSPECTIONS              | - | TOBY BATH       |
| E) PARKS, RECREATION, ENGINEERING, LINDON FAIR, NEWSLETTER | - | JEFF ACERSON    |
| F) GENERAL PLAN, STREETS & SIDEWALKS, PUBLIC BUILDINGS     | - | BRUCE CARPENTER |

**ADMINISTRATOR'S REPORT** - 10 minutes

**Executive Session** - The Mayor and City Council will meet privately to discuss pending or reasonably imminent litigation against the city. (UT Code 52-4-4)

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to adhere to the new architectural design for State Street which will enhance the continuity of the City's architectural plans.

5. Efforts should be made to recoup money from UDOT for the changes which are being made along State Street.
6. Efforts should be made to seek funding from a State agency for the restoration of the building located at 400 North State Street. This building has been identified as an historic building and should be restored as part of the plan.
7. Efforts should be made to retain older trees along State Street, if possible, assuming that the trees would not interfere with the general design of the consultant and committee involved in the Lindon City architectural plans.

Ms. Nelson recognized that "you can't please everyone, however, the endless negotiation must end." Mr. Smith observed that he had approached Mr. Jim Dain, former Councilmember and architect, seeking his help. Ms. Gibbons stated that "Lindon is bursting with businesses moving in and we have a chance to make an impact." Councilmember Bath observed that some architectural elements have been implemented, but he cited the A-Plus and Total Health Institute buildings as examples of something being built without architectural design requirements in place.

Mayor Ellertson noted that what is not allowed are "ugly buildings." He observed that we must look not only at the architectural edifice but also the way they interlock. Mayor Ellertson commented that potential funding is available to help current businesses comply with a new ordinance. Councilmember Carpenter requested Mr. Smith's opinion. Mr. Smith replied that Lindon may need an illustrated ordinance similar to Park City. Mayor Ellertson reassured Ms. Nelson and her partners that their recommendations are being heard and are appreciated. He thanked the three women for taking the time to present their recommendations and encouraged them to stay involved.

### **MAYOR'S COMMENTS/REPORT**

Mayor Ellertson reported that the trails committee had a meeting with other groups to discuss the 23 mile trail from the mouth of Provo Canyon and around the Murdock Canal. He noted that this is a tremendous asset to the community. Mr. Harlow Clark, newspaper representative, inquired about other trails connecting Utah County to Salt Lake City. Mayor Ellertson observed that there will be a trail from the Jordan River Parkway and another from Brigham City to Ogden.

### **CONSENT AGENDA** - No Items

### **CURRENT BUSINESS**

1. Subdivision Plat Amendment Plat - *Dirker Farms Subdivision, Plat "B"*. This is a request by Jeremy Stone for approval to combine two lots in Dirker Farms Plat "A" into one larger

2 lot. The address of the lots in question is approximately 254 East 70 South in the R1-20  
zone. The Planning Commission recommended approval.

4 Mr. Smith presented this item and displayed an aerial photo of the site. Mr. Jeremy Stone,  
the applicant, and his wife were present. Mr. Smith explained that the applicant has requested to  
6 combine lots 4 and 5 of Dirker Farms Plat "A" into one .93 acre lot. This will allow Mr. Stone to  
construct a large building to house his exotic reptiles in a temperature-controlled environment.  
8 Mr. Smith noted that the applicant also manufactures cages for the reptiles. Councilmember Bath  
inquired what type of reptiles. Mr. Stone replied, "boa constrictors that are rare and very  
10 expensive." Ms. Linda Nelson asked if the building is a commercial structure. Mr. Smith observed  
that the R1-20 zone does not allow commercial structures in the area. But, Mr. Stone's business is  
12 governed by the home occupation ordinance which allows one full-time employee other than the  
business owner. Mayor Ellertson noted that whatever the City does in any zone, it needs to insure  
14 it complies with the ordinance. He inquired how this structure would affect the character of the  
neighborhood. Councilmember Bayless noted that the building will not have any impact on the  
16 characteristic of the neighborhood and cited that there are several big structures similar to the one  
being requested, which already exist in Lindon.

18 Mr. Smith observed that there have been very few complaints with home occupancy and its  
all about being "a good neighbor." Mr. Stone explained that he currently operates out of his  
20 basement in Orem and has had no problems. He noted that he does not want to draw attention to  
his operation. Mr. Dameron asked Mr. Smith to explain the size requirements for a residential  
22 accessory building. Mr. Smith noted that the footprint of the accessory building cannot be larger  
than the home and the maximum height is 20 feet from finished grade.

24 COUNCILMEMBER BAYLESS MOVED TO APPROVE THE REQUEST BY  
JEREMY STONE TO AMEND DIRKER FARMS PLAT "A," LOTS 4 AND 5 AND CREATE  
26 DIRKER FARMS, PLAT "B," A ONE LOT SUBDIVISION AT 254 EAST 70 SOUTH.  
COUNCILMEMBER CARPENTER SECONDED THE MOTION. ALL VOTED IN FAVOR.  
28 THE MOTIONED CARRIED.

30  
32 2. Preliminary Plat - Grubbs Subdivision, Plat "A". This is a request by Dan Stubbs and  
Charlie Garner for approval of a one lot subdivision, in the Light Industrial Zone (LI) at  
1530 West 200 South. The Planning Commission recommended approval.

34  
36 Mr. Dan Stubbs and Mr. Charlie Garner, petitioners were present. Mr. Smith showed an  
aerial photo of the site and presented this item. He explained that the applicants are requesting  
approval of a one lot subdivision. The lot in question is .56 acres. The lot was created prior to  
38 1998 when Lindon City established the 1 acre lot requirement in the LI zone. Mr. Smith noted  
that prior to 1998, there was no minimum lot size requirement. This plat will help to clarify  
40 property boundaries in the area. Mayor Ellertson inquired about side setbacks. Mr. Smith replied  
that the side setback is zero. It was noted that the applicants would construct curb, gutter and  
42 sidewalk in the development.

COUNCILMEMBER CARPENTER MOVED TO APPROVE THE REQUEST BY DAN

NOTICE OF MEETING  
FOR THE  
LINDON CITY COUNCIL

It is hereby given that the Lindon City Council will hold a regularly scheduled meeting **beginning with an information Meeting at 6:00 p.m. on Tuesday, September 21, 2004** in the Lindon City Center, City Council Chambers, at 100 North State Street, Lindon, Utah. The agenda will consist of the following:

**INFORMATIONAL SESSION - 6:00 P.M.**

The Mayor and City Council will meet with neighborhood residents, adjacent to 300 East between Center Street and 200 South, and Jeremy Stone to disseminate information concerning a proposed home occupation request and the city's normal ordinance procedures pertaining to home occupations.

**REGULAR SESSION - 7:00 P.M.**

Conducting: Larry A. Ellertson, Mayor  
Flag Ceremony and Pledge of Allegiance: Pleasant Grove/Lindon Police Department Honor Guard  
Invocation: Jeff Acerson

**PRESENTATION** - The Little Miss Lindon Royalty will present to the City Council the awards they captured during the summer parade festivities throughout the area.

**MINUTES** - The minutes of the regular meetings of August 17, 2004 and September 7, 2004 will be reviewed.

**OPEN SESSION** - Citizens comments

- 10 minutes  
- 10 minutes  
- 10 minutes

**MAYOR'S COMMENTS/REPORT**

**CONSENT AGENDA** - No Items

**CURRENT BUSINESS**

1. **Preliminary Plat** - *Lees Homestead Condominiums*. This is a request by Joy Lee to change the formerly approved Lees Homestead 6 unit R2 Overlay project into a condominium plat. The Planning Commission recommended approval with no conditions. - 15 minutes
2. **Review and Action** - *Home Occupation - Jeremy Stone*. The City Council will hear and act on the application by Jeremy Stone requesting approval of a home occupation involving the breeding of non-venomous snakes at 254 East 70 South. The Planning Commission heard the request and approved the home occupation. - 30 minutes

**COUNCIL REPORTS:**

- 30 minutes

- A) WATER, SEWER, SOLID WASTE, HOUSING CONSORTIUM - JERALD HATCH
- B) TRAILS, PLANNING, ZONING, BD OF ADJ, ADMINISTRATION - LINDSEY BAYLESS
- D) PUBLIC SAFETY, COURT, BUILDING INSPECTIONS - TOBY BATH
- E) PARKS, RECREATION, ENGINEERING, LINDON FAIR, NEWSLETTER- JEFF ACERSON
- F) GENERAL PLAN, STREETS & SIDEWALKS, PUBLIC BUILDINGS - BRUCE CARPENTER

**ADMINISTRATOR'S REPORT**

- 10 minutes

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**POSTED BY:** Ott H. Dameron **Time:** 1:30 p.m. **Place:** Lindon City Center **Date:** September 18, 2004

2 The Lindon City Council held a regularly scheduled meeting **beginning with an Information**  
3 **Meeting at 6:00 p.m. on Tuesday, September 21, 2004** in the Lindon City Center, City Council  
4 Chambers, at 100 North State Street, Lindon, Utah.

6 Conducting: Larry A. Ellertson, Mayor

8  
10 **PRESENT**

**ABSENT**

10 Larry A. Ellertson, Mayor  
12 Jeff Acerson, Councilmember (*excused 6:55 p.m.*)  
14 H. Toby Bath, Councilmember  
16 Lindsey Bayless, Councilmember  
18 Bruce Carpenter, Councilmember  
20 Jerald I. Hatch, Councilmember  
22 Ott H. Dameron, City Administrator  
24 Kevin Smith, Planning Director  
26 Venla Gubler, Administrative Clerk

28 **INFORMATIONAL SESSION - 6:00 P.M.**

30 The Mayor and City Council will meet with neighborhood residents, adjacent to 300 East  
32 between Center Street and 200 South, and Jeremy Stone to disseminate information concerning a  
34 proposed home occupation request and the city's normal ordinance procedures pertaining to  
36 home occupations.

38 The meeting began at 6:06 p.m.

40 Mayor Ellertson explained that this is an informational session that has been scheduled to  
42 continue the discussion of a home occupation associated with a proposed home at 254 East 70  
South. He noted that the intent of this session is to try and find information and answer residents'  
questions ~~on the part of residents~~. He suggested that the discussion start with Planning Director,  
Kevin Smith, explaining the city's ordinance and process for home occupations.

34 Mr. Smith distributed copies of the home occupation ordinance and explained that he  
36 would start by describing the home occupation and then relate these businesses to accessory  
38 buildings. He encouraged the audience to ask questions if they desire. He observed that the  
40 ordinance provides five major requirements to qualify a home-based business as a home  
42 occupation. He noted that Lindon presently has about 360 home occupation businesses, which  
equates to about one in five homes. These businesses range from home offices for construction  
businesses and consulting businesses to wood shops and other light manufacturing. He observed  
that these businesses operate in a room of the home, a basement, or an outbuilding or garage. If a  
business can meet the requirements of the code, then they are considered appropriate to operate

2 as a home occupation. These businesses are required to renew their license yearly, and the code  
3 gives the Planning Director authority to review these businesses for their compliance with these  
4 requirements. Home occupations are also a conditional use that can be reviewed upon a  
5 complaint. He explained that only last week, he had received an application for a preschool for  
6 twelve children. He had felt some concerns about traffic, drop off and pickup of children, and so  
7 had scheduled a review of the home occupation in a Planning Commission meeting. This  
8 particular home occupation being discussed tonight had also raised some questions and the  
9 Planning Commission had reviewed the application and approved it because they felt that the  
10 requirements had been met.

11 Mr. Smith explained the requirements of a home occupation. He explained that the  
12 primary requirement is that a home occupation cannot change the residential character of a home  
13 or a neighborhood. The second requirement is to obtain a home occupation permit. He explained  
14 that a home occupation cannot be a burden to the neighborhood. He noted that he gets about two  
15 to five complaints a year about home businesses and that the complaint is almost always about  
16 parking, or an occasional second complaint is noise. The procedure is to talk to the homeowner  
17 and inform them of the requirements. If the situation cannot be fixed, a home occupation permit  
18 can be revoked. The Planning Director is allowed to issue a home occupation permit if the  
19 business activity strictly adheres with a list of requirements that deal with the square footage of  
20 the home used for the business, external visibility of any activity, employees, traffic and parking.  
21 He explained that neighborhood residents or visitors cannot be able to drive by a home and not be  
22 able to discern that a home occupation is being operated there. The final requirement is an  
23 adjuration to the business owner to remember to be a "good neighbor." It allows the Planning  
24 Commission to review a business if there are complaints, and either place conditions to bring the  
25 business back into compliance, or revoke the permit. He observed that some businesses in the  
26 past have outgrown the home operation and have moved. He noted that Lindon's large lots  
27 attract home occupations in accessory buildings.

28 Mayor Ellertson thanked Mr. Smith for his presentation. He explained that the essence of  
29 the ordinance is not to allow commercial operations in a residential area, but to limit the  
30 operations to those that do not draw attention to the fact that a business is being operated at that  
31 location. He observed that any business that applied for a home occupation permit must meet the  
32 requirements and that not just any business can operate under those restrictions. He asked if there  
33 were any questions on the home occupation procedures or requirements.

34 Mr. Brad Mortensen of 118 South 300 East explained that he had been studying the  
35 ordinance and had few questions. He quoted from the ordinance that the use must be "clearly  
36 customary." He suggested that a customary use in Lindon is horses and other farm animals and  
37 not snakes. He also pointed out that a home occupation permit must be obtained and asked if a  
38 permit can be obtained before a home is constructed. He noted that this business will be operated  
39 in an accessory building that will be constructed before the home and wondered if operation can  
40 commence before the home is built. He pointed to the size of the accessory building and  
41 expressed the opinion that it is a "commercial building in a residential area." He suggested that  
42 clause (5) of the ordinance restricts a home occupation to operate in less than 500 square feet or  
25% of a home and property. He commented that he does not have any idea how large the  
accessory building will be, but that from all indication, the building will dedicate about 7,000

2 square feet to this business. He also suggested that there should be a limit on the size of the  
business as far as how many snakes can occupy this building. He pointed out that if he put up a  
4 barn that hid the horses he owns, the number cannot be counted and verified. But if he had more  
than two horses, he would be cited according to the animal ordinance. His other issue on the  
6 building capacity is if there is a major disaster. He expressed concerns about the safety of the  
neighborhood if an earthquake disturbs the building and these snakes escape to seek prey.

8 Mr. Larry Mitchell of 164 South 300 East explained that he has no objection to Mr.  
Stone's plans to operate his business. He commented that the snakes are non-venomous and  
small. His objection is the size of the accessory building and the zoning. He noted that the a two-  
10 story building is of 40 X 75 and will hold 6,000 square feet. He felt that this is more square  
footage than the house. He asked if there were regulations about an accessory building facing a  
12 different street than the house and the location of the accessory structure in relation to the house.  
He felt that the building was overlarge for the number of snakes that will be housed in it and  
14 asked if this structure may be too large for a residential district. He did not think it seemed  
reasonable to expect this large of a building and business to only have one employee. He cited his  
16 experience with the City of Beverly Hills as Planning and Zoning Director as the impetus of his  
questions about the use of the building and whether the size is needed or wanted in this  
18 neighborhood. He felt that there should be controls on the size of the building and its location.  
Mayor Ellertson verified that the code does not allow an accessory building larger than the home.  
20 Mr. Smith confirmed this statement. Ms. Kara Stone informed the Council that the home would  
be larger than the shop. Mayor Ellertson asked about the timing of business commencement and  
22 the issuance of a home occupation permit. Mr. Smith replied that a home occupation permit  
cannot be issued until there is a home occupied. Mr. Stone commented that he would not be  
24 commencing operation or moving any of his animals there until the home is occupied.

26 Mr. Corey McBride of 119 South 300 East commented that he does not oppose the home  
occupation. He admitted that he did oppose the business when he first heard of the plans, but,  
after his visit to the current operation, has been impressed with the Stone's professionalism. He  
28 also interviewed the neighbors of the current operation and has asked specific questions about  
problems. He reported that all the neighbors he talked to were complimentary even though some  
30 harbor fears of snakes personally. He suggested that there would have been no issues raised at all  
if this business had any other kind of animal except snakes. He commented that Mr. Stone does  
32 not ask people to change their opinions of snakes, but takes precautions to see that the animals do  
not escape and are watched closely. He suggested that one Lindon resident's beehives may be  
34 more dangerous than Mr. Stone's snakes. He expressed the opinion that Mr. Stone has been  
unfairly treated because of some neighbors' fear of snakes and encouraged tolerance.

36 Mr. Brandon Dupuis of 313 East 170 South commented that he has does not have a lot to  
add to the comments that have already been heard, but he wanted to voice his opinion as a  
38 member of this neighborhood. He agreed with Mr. McBride on his assessment of a potential  
nuisance or lack thereof. He also feels that the snakes will not cause any "grief." He commented  
40 that this is "not a shopfront situation," and encouraged the neighborhood to "drift to the side of  
liberty" and let this business go ahead. He suggested that unless it has been proven that this  
42 business will cause a public nuisance or create overt commercial activity, it should be allowed to  
operate. He expressed support and urged the Council to "err on the side of liberty and property

rights.”

2 Mr. Clay Frandsen of 106 South 300 East informed the Council that he was the “one that  
started this whole mess,” and that he was sorry now that it had gotten out of proportion. He  
4 explained that his intentions were reasonable, and were based on what he had heard about what  
was being built. He commented that he does not like snakes personally, but agrees to Mr. Stone’s  
6 right to choose his business. He observed that his main concern is regulation of the business. He  
commented that the State Division of Wildlife Regulation (DWR) would be here tonight to  
8 address this issue and now he understands that the DWR does not have regulatory authority. He  
added that he has no objections to the Stone’s as neighbors, but he does have objections to  
10 snakes. However, if the business fits the City Codes, it fits. He expressed concern about the  
number of snakes and the size of the building. He suggested that the size of the building suggests  
12 a commercial operation and not a home occupation. He felt that he has not treated the Stone’s  
unfairly, but has done what he felt needed to be done to make sure that the neighborhood’s voices  
14 would be heard. He noted that now the decision lies with the Council and it is time to “go on  
with our lives.”

16 Mr. Wayne Johnson of 33 South 200 East commented that he has lived in Lindon for forty  
years. He suggested that the ordinance allows for checks and balances; if a problem occurs, then  
18 the business will be reviewed. He felt that there would be no problems if it meets the  
requirements of the ordinance. Councilmember Acerson confirmed that the business is reviewable  
20 upon complaint.

22 Mr. Mitchell asked if there were controls on an accessory building being rented to  
someone else to operate their business. He pointed out that a building this size would be  
attractive. Mayor Ellertson replied that the new business would also have to meet the regulations.  
24 Mr. Smith added that the building cannot be leased to another business while the Stone’s are  
living there. A home occupation must be operated by the person living in the home. Mr. Mitchell  
26 commented that once the building is there, the property may be sold in the future and may attract  
attention from a new owner that has a business that may not be desirable. He suggested that  
28 some protections be provided against future overuse.

30 Mr. Mortenson asked if a letter from one of the neighbors would be part of the discussion.  
The Council verified that they each had a copy, were aware of the content of the letter, and it was  
being included in the deliberations.

32 Ms. Lisa Oliver introduced herself as a friend and neighbor of the Stone’s in Orem. She  
informed the Council that she had known and lived by the Stone’s for the last three years. She  
34 commented that the business was in operation when she moved in and that it has never been an  
issue for the neighborhood. She observed that the Stone’s are very good about what they do and  
36 you would not know the business was there. It is not noticeable. She observed that some would  
take her interest in this proceeding as a way to rid the neighborhood of the Stone’s, but this is not  
38 the case at all. She explained that the Stone’s are great neighbors and friends and she would  
“hate” to see that people are rejecting the business before they see what it is really like. She  
40 assured the Council that, regardless of the size of the building, the neighborhood will not know if  
there are snakes or boats inside. She suggested that the Stone’s will be a great asset to Lindon  
42 and the neighborhood, and they should be welcomed.

Mr. Smith mentioned that he had received a phone call from the Woods family and was

2 asked to pass along a comment to the Council from them. He reported that they did not have a  
3 problem with the request. Mayor Ellertson suggested that the DWR question could be addressed  
4 now. He informed the audience that staff did make some calls to this State Department. Mr.  
5 Smith observed that he had been working with Mr. Stone to get the name of a contact at the  
6 DWR, but in the meantime, he had called the DWR on his own. His intent was to try and find  
7 some information on the regulations. He was told by Suzanne McClellan at this agency that the  
8 DWR does not regulate non-venomous snakes. These regulations are set by cities. Mr. Stone  
9 observed that he had been out of town or he would have replied to Mr. Smith's calls. However,  
10 he asserted that the DWR does regulate and he quoted Administration Rule 57-3. He clarified  
11 that these regulations apply if a animal owner is operating outside of the law. He told the Council  
12 that he had been contacted to help the DWR on a sting of owners of illegal animals. He was  
13 asked how he had been approached to help with this sting. He replied that he was an active  
14 member of the Herpetological Society of Utah. Councilmember Acerson asked if his ownership  
15 of snakes is registered with the State. Mr. Stone replied no. He explained that he has an Orem  
16 business license. The DWR does not come in and inspect the premises on a regular basis, only on  
17 information of a public safety danger. He noted that the DEA has also inspected his premises on  
18 evidence of his power bill.

19 Councilmember Carpenter commented that there seems to be a misunderstanding on the  
20 use of the term "regulation." He observed that the term "enforcement" would be more accurate  
21 to describe what the DWR does with non-venomous snakes. The difference in the definition of  
22 the terms was explained. Mr. Stone observed that the DWR does have the authority to regulate  
23 his shipments of animals. He explained that an officer meets him at the airport to inspect the  
24 shipment before it is put on a flight and can confiscate any illegal animals. He also informed the  
25 Council that he had asked his veterinarian, Dr. Dobson, to come at 7:00 p.m. to explain the  
26 processes at the DWR. He explained that Dr. Dobson is a member of an advisory committee at  
27 the DWR.

*(Councilmember Acerson was excused at 6:55 p.m.)*

28 Mr. Mortenson commented that it is the understanding of the neighborhood that Mr.  
29 Stone feeds his snakes frozen mice. He expressed a concern that Mr. Stone may raise mice for  
30 feed. Mayor Ellertson replied that if the business is approved, it must comply with the  
31 regulations. If at any time, it becomes a nuisance, the use can be reviewed. Mr. Stone noted that  
32 he generally does feed the adult population frozen rodents, but he does buy and feed certain  
33 species live rodents. He added that he is not in the business of breeding rodents and has never  
34 considered this business. Ms. Stone commented that they buy their rodents from two suppliers  
35 that live in Lindon now. Mr. Stone explained that he is installing a security system that will detect  
36 any movement inside the building. The cages are escape-proof, the doors are self-closing and  
37 have automatic locks, and a state-of-the-art security system will be operated. Mr. Stone added  
38 that if, in the remote case that a snake does escape, it would not survive in the outside. He  
39 explained that the snakes require a controlled environment.

40 Mr. John Roylance of 5344 Elkhorn Peak Drive, Riverton, told the Council that he also  
41 raises snakes. He asked the audience what their concern is if a snake did get out. He assured the  
42 Council and audience that the cages are escape-proof. He noted that these snakes are worth the  
price of a car and every precaution is taken to prevent their getting loose. Mr. Stone told the

2 Council that he can assure the neighborhood that if they do find a loose snake, it will not be one  
3 of his snakes, but will more likely be an indigenous species.

4 Mr. Frandsen commented that a couple of pieces of information have been presented in  
5 this session that are contradictory to previous statements. He pointed to the question of  
6 regulation versus enforcement, and the fact that no live food is given to the snakes versus a  
7 seasonal feeding being used for certain species. Mayor Ellertson told the audience that this  
8 discussion would be suspended for the regular session.

9 The informational meeting was closed at 7:04 p.m.

10 **REGULAR SESSION - 7:00 P.M.**

14 Conducting: Larry A. Ellertson, Mayor  
15 Flag Ceremony and Pledge of Allegiance: Pleasant Grove/Lindon Police Department Honor  
16 Guard  
17 Invocation: Lindsey Bayless

18  
20 **PRESENT**

**ABSENT**

22 Larry A. Ellertson, Mayor  
23 Jeff Acerson, Councilmember *(arrived 8:05 p.m.)*  
24 H. Toby Bath, Councilmember  
25 Lindsey Bayless, Councilmember  
26 Bruce Carpenter, Councilmember *(excused 7:57 p.m.)*  
27 Jerald I. Hatch, Councilmember  
28 Ott H. Dameron, City Administrator  
29 Kevin Smith, Planning Director  
30 Venla Gubler, Administrative Clerk

32 The Meeting began at 7:12 p.m.

34 **PRESENTATION**

36 The Little Miss Lindon Royalty will present to the City Council the awards they captured  
38 during the summer parade festivities throughout the area.

40 Mayor Ellertson expressed appreciation to the Police Honor Guard for their presentation  
41 of the colors. He commented that the Little Miss Lindon Royalty had been busy this summer  
42 representing our community in the various fairs around the county. He also acknowledged the

possibility for next spring after the Legislature meets.

**CONSENT AGENDA** - No Items

**CURRENT BUSINESS**

1. **Preliminary Plat** - *Lees Homestead Condominiums*. This is a request by Joy Lee to change the formerly approved Lees Homestead six-unit R2 Overlay project into a condominium plat. The Planning Commission recommended approval with no conditions.

Ms. Joy Lee, applicant, came to the front of the Council Chambers. Mr. Smith displayed an aerial view of the neighborhood and explained that the Council and Planning Commission had approved two triplexes a few months ago. Ms. Lee has applied to change the project into a condominium plat. He displayed the proposed plat with the site plan superimposed over it. He pointed out the private home areas and the limited common areas. He explained that this action will allow the units to be sold. Mayor Ellertson asked if there were any questions.

Councilmember Bayless observed that the parcel that is behind the house has been removed from the project and is now a part of the house lot. She asked if the buildings had changed. Ms. Lee replied no. Councilmember Bayless asked Mr. Smith about a provision that prohibits parking in front of the buildings. Mr. Smith replied that the provision prohibits parking between the buildings and the street. He agreed that this plat changes the dimensions of the lots. Councilmember Bath asked a question about the common area. Ms. Lee explained that everything outside of the actual units would be common property owned and maintained by a homeowners association.

Mayor Ellertson asked if there was any chance that this driveway may become a city street. Mr. Smith replied that the driveway does not meet the standards and requirements to become a city street. The Council discussed whether the homeowners association would ask the City to take over maintenance of this drive. Councilmember Carpenter pointed out that the driveway has a drive approach that crosses a City sidewalk and that it clearly appears to be a drive rather than a street. The Council agreed. Councilmember Bayless asked how soon Ms. Lee would begin construction. Ms. Lee replied that she would start as soon as funding is approved.

**COUNCILMEMBER BATH MOVED TO APPROVE THE REQUEST BY JOY LEE FOR LEES HOMESTEAD CONDOMINIUMS, PLAT "A," A SIX-UNIT CONDOMINIUM PLAT AT 190 NORTH 400 WEST. COUNCILMEMBER HATCH SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.**

2. **Review and Action** - *Home Occupation - Jeremy Stone*. The City Council will hear and act on the application by Jeremy Stone requesting approval of a home occupation involving the breeding of non-venomous snakes at 254 East 70 South. The Planning Commission heard the request and approved the home occupation.

2 Mayor Ellertson observed that the discussion would now return to the home occupation  
for Jeremy Stone. Mr. Stone introduced Dr. Yoeny Dobson, veterinarian. She informed the  
4 Council that she is the owner of the Riverwoods Veterinary Clinic and her specialty is exotic  
animals. She explained that she has worked with DWR on their Regional Advisory Council  
6 (RAC) and is a federally accredited and licensed veterinary doctor which allows her to certify  
animals for travel and international sale. She explained that she is also a wildlife rehabilitator.  
8 She commented that as a member of RAC, her concerns are the pets that escape and dilute or  
cause suffering to indigenous species. She explained that this is the reason for the regulation of  
10 elk farms—to stem the spread of chronic wasting disease.

12 Dr. Dobson told the Council that she has known the Stone's for several years and  
observed both Orem locations where they have lived. She explained that one of her concerns as a  
specialist for exotic animals is that the pet owner have the financial means to take care of a sick  
14 animal and the special feeding needs of these animals. She reported that shelters call her when  
they have an abandoned snake, racoon, or other exotic animal. She told the Council that her  
16 other concern is that a species that escapes or is turned loose is not going to go out and procreate  
with the natural population. She informed the Council that Mr. Stone's snakes are not going to  
18 survive in this cold area longer than two months. She added that Mr. Stone's facility and care is  
one of the best that she has ever seen and noted that she has practiced in Florida, and New York.  
20 She assured the Council that Mr. Stone would be an asset to the community and that he is  
definitely an asset to the reptile industry.

22 Mayor Ellertson asked what regulations apply to the reptile industry. Dr. Dobson replied  
that there are a number of regulations that deal with abuse and cruelty. She reported that, as a  
24 federally accredited veterinarian and wildlife rehabilitator, she is obligated to report any violations.  
Conservation officers and shelters also have this obligation. She informed the Council that the  
26 Commission of International Trade has rules that deal with the trade in illegal, protected and  
endangered species. She explained that Mr. Stone's sales of reptiles are generally from the  
28 Internet and he needs a permit to ship, which includes an inspection by a veterinarian or  
conservation officer. She suggested that the Council go to Mr. Stone's facilities and see that he  
30 works hard to keep a clean facility with healthy animals. The Council thanked Dr. Dobson for her  
information.

32 Mayor Ellertson commented that the Council must now decide on the question of the  
home occupation. He noted that the Planning Commission had given the Council a  
34 recommendation and that a lot of information had been shared. He asked if there were any more  
questions.

36 Councilmember Bayless asked Mr. Stone what percentage of his sales are from the  
Internet. Mr. Stone replied that 95% of his sales are internet-generated. The remaining sales  
38 come from a local show at the State Fair. He assured the Council that there would be no local  
traffic to his home. Councilmember Bayless asked if the business could function with one  
40 employee on site at a time. Mr. Stone replied yes. Councilmember Bayless asked about feeding  
of live rodents. Mr. Stone replied that he feeds frozen rodents about 95% of the time and the  
42 only time live rodents are fed is to babies in the spring and early summer. Councilmember Bayless  
asked about the cage building portion of the business and noted that it cannot be noisy. Mr.

2 Stone replied that it will not be noisy and that this is more of a hobby to build his own cages than  
a sales generator.

*(Councilmember Carpenter was excused at 7:57 p.m.)*

4 Mr. Stone commented that he can understand the concerns of the neighbors and assured  
the Council and neighbors present that he “will never have a dangerous animal in his possession.”  
6 His only concern is that the neighbors will find a loose reptile and think it is his. He assured those  
present that his snakes will never be seen. He does not invite any outside interest in his facility  
8 and the only time the snakes are visible is when he does educational experiences for the public at  
other locations. He informed the Council that his snakes will not live outside of his controlled  
10 environment for any extended period and, in fact, would only live outside briefly in July and  
August. He told them that he has some of the most rare boas in the world and takes every  
12 precaution to safeguard them. He noted that there have been concerns expressed about the size  
of his accessory building and claimed that a barn with a horse will create more odor. He observed  
14 that his facility is kept very clean because leaving feces can cause harm to his expensive animals.  
He noted that some feel that he has tried to hide and be sneaky about his operation, but he feels  
16 that he has met the requirements of the ordinances and it was not meant to infringe on the rights  
of others. He informed the Council that he keeps about 78 female boas and about the same of ball  
18 pythons and that all offspring are sold every year. He noted that he has orders for next year’s  
offspring in advance. Mayor Ellertson verified that Mr. Stone understands that if the Council  
20 decides that the business meets the requirements of the ordinance, it is an ongoing process and  
will be reviewed, both annually for business license renewal and upon any complaints by the  
22 neighbors. He added that the building itself will also be reviewed and encouraged Mr. Stone to  
design the building to blend with the home and the neighborhood.

*(Councilmember Acerson arrived at 8:05 p.m.)*

24 Councilmember Bayless noted that a concern had been expressed about the way the  
26 building is vented. Mr. Stone replied that the atmosphere in the building must be kept hot and  
humid and that the fans do not vent out in an effort to maintain this atmosphere. Mayor Ellertson  
28 urged Mr. Stone to always be mindful of possible impact on others.

30 **COUNCILMEMBER BAYLESS MOVED TO APPROVE A HOME OCCUPATION  
FOR JEREMY STONE AT 254 EAST 70 SOUTH. COUNCILMEMBER HATCH  
SECONDED THE MOTION.**

32 Councilmember Bath suggested a condition that if in fact Mr. Stone decides in the future  
to breed live rodents, the home occupation may be reviewed again by the Council. He asked Mr.  
34 Stone how long rodents are presently kept before feeding. Mr. Stone replied that the maximum  
time is 24-hours. Councilmember Hatch informed Mr. Stone that a Home Occupation Permit is a  
36 conditional use permit and that additional conditions may be required in the future. Mr. Stone  
indicated his understanding of this possibility.

38 **COUNCILMEMBER BAYLESS ADDED TO HER MOTION THE CONDITION  
THAT A FUTURE REVIEW IS RESERVED TO THE COUNCIL IF MR. STONE DECIDES  
40 TO ADD THE BREEDING OF RODENTS TO HIS BUSINESS. COUNCILMEMBER  
HATCH SECONDED THE ADDITION OF THE CONDITION. ALL PRESENT VOTED IN  
42 FAVOR. THE MOTION CARRIED.**

Mayor Ellertson commented that the next step is the building permit and recording the

2 plat. He asked if Mr. Stone understood that the business cannot operate until the home is  
4 occupied. Mr. Stone indicated his understanding of this provision of the home occupation permit.

6 **COUNCIL REPORTS:**

8 **WATER, SEWER, SOLID WASTE, HOUSING CONSORTIUM**

10 Councilmember Hatch had no report for tonight.

12 **TRAILS, PLANNING, ZONING, BOARD OF ADJUSTMENTS, ADMINISTRATION**

14 Councilmember Bayless asked if Mr. Dameron had anything to report on the tracking list  
16 question clarifying the process of Council review of development applications. Mr. Dameron  
18 replied that the City Attorney recommends a change to the ordinance and that this amendment  
would be coming soon.

20 **PUBLIC SAFETY, COURT, BUILDING INSPECTIONS**

22 Councilmember Bath reported that there was nothing new to report from the police  
24 department. He noted that the School District Employees Association is planning a fund-raising  
26 yard sale for Friday and Saturday of this week. He assured the Council that a prior arrangement  
28 has been made with Deseret Industries to pick up any leftover items. He noted that the response  
30 from Verizon had been obtained and that the tower would be used for Verizon customers as  
32 suspected. He noted that there would be a change-over period. The Council discussed whether  
34 the lease agreement required the tower to allow for co-location. Mr. Dameron suggested a cover  
36 letter to the assignment of contract that would clarify that the original agreement is still in effect,  
38 including co-location and maintenance of the lights. Councilmember Bath asked about the signal  
light for 600 North. Mayor Ellertson replied that the counters are there to determine the warrants  
and that he had been told the lights would be installed within a month. It was also noted that the  
light on 700 North would probably be installed next year. Ms. Nelson commented that the  
amounts of traffic on 600 North were not meeting expectations. The traffic situation was  
discussed. Councilmember Bath asked about the time line for UTOPIA. Mr. Dameron replied  
that the first phase will be completed in the Spring or early Summer of 2005 and will include the  
business park and some residential. The whole town is expected to be constructed by 2006.

40 **PARKS, RECREATION, ENGINEERING, LINDON FAIR, NEWSLETTER**

42 Councilmember Acerson reported that the Lindon Days Chairperson would like to give  
their report on October 5. Mr. Dameron confirmed the addition of this agenda item.

## Item 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 Residential Single Family (R1-20) to the Light Industrial (LI) zone. Parcel ID #14:065:0131 Anderson Lumber Company (BMC Stock Holdings, Inc.). Total land area of ~1.25 acres. Recommendation(s) will be forwarded to the City Council.

<p>Applicant: Adam Pulver, BMC Presenting Staff: Brandon Snyder</p> <p>General Plan: Mixed Commercial Current Zone: Residential (R1-20) Requested Zone: Light Industrial (LI)</p> <p>Property Owner: Anderson Lumber Company (BMC Stock Holdings, Inc.) Address: ~150 South Geneva Rd. Parcel ID: 14:065:0131 Area Size: 1.25 acre(s)</p> <p>Type of Decision: Legislative Council Action Required: Yes</p>	<p><b>SUMMARY OF KEY ITEMS</b></p> <ol style="list-style-type: none"> <li>Whether to recommend approval of a request to change the Zoning Map designation of the subject property.</li> </ol> <p><b>MOTION</b></p> <p>I move to recommend (approval, denial, continue) of the proposed zoning map amendment with the following conditions (if any):</p> <ol style="list-style-type: none"> <li>Combine parcel with adjoining parcel(s) prior to future land use development approval(s).</li> </ol>
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## OVERVIEW

The applicant is requesting to rezone the parcel from Residential (R1-20) to the Light Industrial (LI) zone. The applicant is requesting the rezone so that the zoning would match with the two adjacent parcels (West and Southwest). The applicant then proposes to combine the parcels and will in the near future be replacing some of the existing structures. A new structure will be placed partially into the current area of the subject parcel. The parcel was created and purchased by Anderson Lumber in April 1997 by way of Warranty Deed 28659-1997. The property has been used since at least 2000 for outdoor storage. (Staff could not locate any aerial imagery between 1995 and 2000). 1995 aerial imagery indicates that the property was in agricultural production.

## ZONING

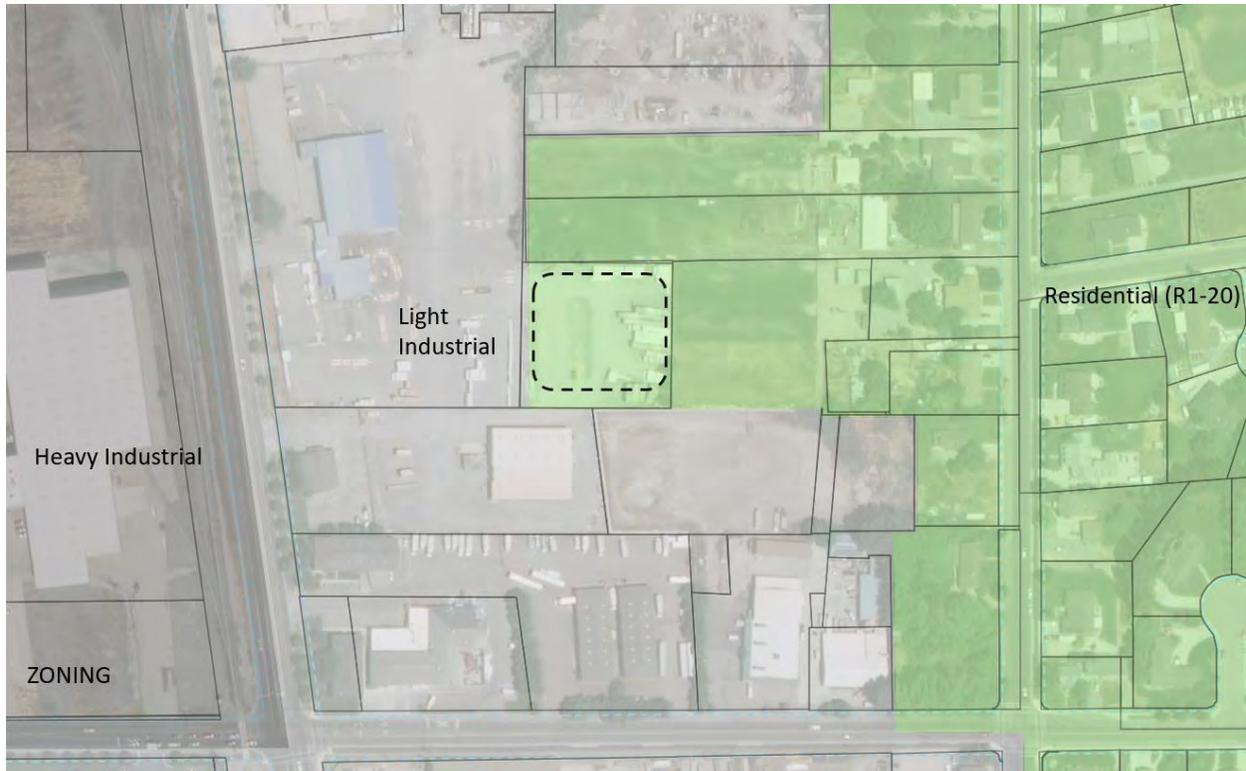
The Single-Family Residential Zones (R1) are established to provide areas for the encouragement and promotion of an environment for family life by providing for the establishment of one (1) family detached dwellings on individual lots that are separate and sheltered from non-residential uses found to be inconsistent with traditional residential **lifestyles customarily found within Lindon City's single-family neighborhoods.** (*Lindon City Code 17.44.010 Purposes and Objectives.*)

It shall be the purpose of the LI district to provide areas in appropriate locations where light manufacturing, industrial processes and warehousing not producing objectionable effects may be established, maintained, and protected. The regulations of this district are designed to protect environmental quality of the district and adjacent areas. (*Lindon City Code 17.49.020 LI – Manufacturing and Distribution District – Purpose.*)

	Zoning	General Plan
1995	-	Research & Development
1997	Manufacturing Distribution (MD) – west ½, Residential (R1-20) – east ½ (similar in 1979 & 1994)	-
1999	Manufacturing Distribution (MD)	-
2001	Residential (R1-20)	Light Industrial
2011	Residential (R1-20)	Mixed Commercial
2018	Residential (R1-20)	Mixed Commercial

Staff has found minutes from 1997 indicating a previous rezoning from residential. (Minutes are attached). Staff could not locate the files for when it was rezoned back to residential. This took place between 1999 and 2001.

Public Hearing Notices required per Lindon City Code section 17.14, were mailed on August 30, 2018. No public comments have been received at this time.



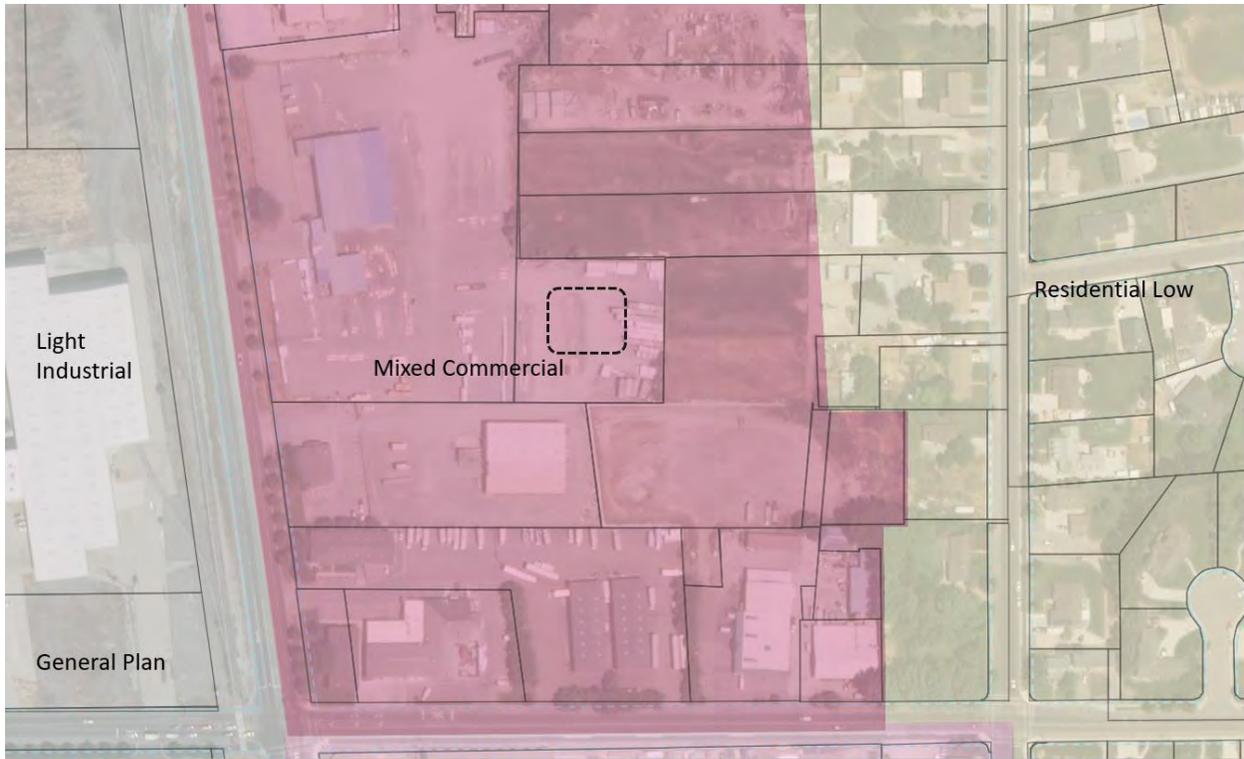
Currently the LI zone requires a minimum lot area of 1 acre and 100 feet of frontage.

Potential uses - The Light Industrial (LI) zone allows for uses related to Manufacturing, Wholesale Trade, Retail Trade, and Services. For a list of specific uses allowed in the LI zone, please refer to the Lindon City Standard Land Use Table. For LI zoning regulations, please refer to Lindon City Code 17.49 Industrial Zones.

### ANALYSIS

Relevant General Plan information to consider in determining whether the requested change will be in the public interest:

- a. *Mixed Commercial* - This category includes general commercial, low intensity light Industrial, and research and business uses. Includes areas typically zoned MC.



ATTACHMENTS

1. 1997 Minutes



1 hearing was only to request a zone change, and was not a promise  
2 that Mr. Seng would be granted a conditional use permit.

3 Commissioner Johanson moved to close the Public Hearing.  
4 Commissioner Peters seconded the motion. Voting was unanimous in  
5 the affirmative with two absent.

6 Commissioner Johanson said he feels this is a poor location for  
7 this project and that zone changes should all be made at one time  
8 instead of piecemeal. Commissioner Peters concurred. Mr. Staks  
9 said they would work with the City to make the site plan look good.  
10 Councilmember Dain suggested that one option for proximity to the  
11 freeway would be to look at a larger buffer for 2000 West.  
12 While it was believed by some commissioners to not be an ideal site  
13 for Mr. Seng's business, the requested change was deemed to be  
14 consistent with the general plan. Commissioner Peters moved to  
15 approve Seng Construction's request to change the zone designation  
16 of property located at 300 to 400 North 2000 West from the MU zone  
17 to the MG zone and recommend approval to the City Council.  
18 Commissioner Anderson seconded the motion. Voting was unanimous in  
19 the affirmative with two absent.

20  
21 4. Public Hearing - Anderson Components - 122 South 800 West -  
22 Zone Change from R1-20 to MD  
23

24 In an effort to expand their business site, Anderson Components  
25 requested to change property at this site from a residential use to  
26 an industrial use. In granting the request, the Planning Commission  
27 would be required to do two things: recommend a change to the  
28 General Plan map from low density residential to light industrial,  
29 and change the zone from R1-20 to MD.

30 Commissioner Johanson moved to open the Public Hearing.  
31 Commissioner Peters seconded the motion. Voting was unanimous in  
32 the affirmative with two absent.

33 Lance Long, General Counsel for the company, said Anderson  
34 Components would mainly be storing lumber at this site. He said  
35 there would be no manufacturing. Commissioner Peterson said she has  
36 received calls from neighbors on 800 West concerned about hearing  
37 a loud telephone intercom very early in the morning. Mr. Long said  
38 the company has received no complaints that he knows of, and that  
39 there is no more shift work.

40 There was no public comment on this item.

41 Commissioner Peters moved to close the public hearing.  
42 Commissioner Anderson seconded the motion. Voting was unanimous in  
43 the affirmative with two absent.

44 After more discussion, Commissioner Johanson moved to approve  
45 Anderson Component's request to change the property located at  
46 approximately 122 South 800 West from a low density residential  
47 general plan designation to a light industrial general plan  
48 designation and to change the zone from R1-20 to MD and recommend  
49 approval to the City Council. Commissioner Peters seconded the  
50 motion. Voting was divided with four in favor, one opposed (M.  
51 Peterson). The motion carried.  
52

2 Mayor Ellertson asked for public comment. Harold Babcock, who identified himself as an  
3 engineer and owner of the land to the north (Mountain Topsoil), said he felt that this site is  
4 inappropriate because of the crushing and stockpiling which would occur with Mr. Seng's proposal.  
5 He said the process would be noisy, dusty, and unsightly. In his opinion, the view from the freeway  
6 along this area should be preserved and not hidden by a bank. He felt a commercial use would be  
7 more appropriate, similar to the car dealerships and business park along the freeway in American  
8 Fork.

9 Mr. Staks replied that Mr. Seng was responsible for taking the old Signetics building  
10 materials and turning them into road base materials, and the only complaint from neighbors came  
11 during a dust storm. Mr. Staks says he foresees no problem with commercial area blending with this  
12 project. He felt the more desirable properties for commercial development are located more to the  
13 north of this site. Mr. Seng said the noise created by the crusher is strictly regulated and that traffic  
14 on I-15 is louder than his crusher.

15 The Council discussed this proposal in detail, arriving at a consensus that the location for this  
16 proposed project is not as conducive to commercial development as the properties to the north, and  
17 that this rezoning request is consistent with the General Plan of Lindon City. During this discussion,  
18 Mr. Dain reminded the Council that the issue before them was a rezoning request and not site plan  
19 approval. Mrs. Bayless expressed a concern that the entire area on both sides of the freeway should  
20 be reviewed as to the intent of the General Plan before any rezoning is approved.

21 After further discussion concerning the noise, dust, and general appearance of the site,  
22 COUNCILMEMBER DAIN MOVED TO APPROVE THE REQUEST OF KENNY SENG  
23 CONSTRUCTION FOR A ZONE CHANGE AT 300 TO 400 NORTH 2000 WEST FROM THE  
24 MU ZONE TO THE MG ZONE. COUNCILMEMBER SMITH SECONDED THE MOTION.  
25 VOTING WAS DIVIDED WITH FOUR IN FAVOR AND ONE OPPOSED (LINDSEY  
26 BAYLESS). THE MOTION CARRIED.

27 Mr. Dain said he would ensure that the Planning Commission was informed about the  
28 Council's concerns when the site plan and conditional use application came to them.

29 2. Public Hearing - Zone change request from the R1-20 zone to the MD zone, 122  
30 South 800 West. Anderson Components is requesting the zone change.

31 Anderson Components requested to change the zone designation on this property from  
32 residential R1-20 to the MD zone. Councilmember Dain explained that this is only a request for a  
33 zone change and site plan concerns would have to be resolved at a later time.

34 Lance Long, General Counsel for the company, said Anderson Components will have no  
35 manufacturing in this area; they will only use it to stack lumber. The property under consideration  
36 for the rezoning is owned by Renae Edwards.

37 Mayor Ellertson asked for public comments. Renae Edwards' son, Lamont Edwards, was  
38 present and said this is the only way that his mother can sell the rear portion of her land. Several  
39 parcels adjacent to his mother's property are also somewhat "landlocked."

40 The Council discussed these other properties and how potential development might occur.  
41 Mr. Long indicated that Anderson Components is interested in buying these parcels in addition to  
42 Mrs. Edward's property. The Council inquired about bright lights, fencing, PA system, hours of

operation, and noise. Mr. Dain said he would talk with the Planning Commission about these concerns when the site plan came to them.

After more discussion, COUNCILMEMBER DAIN MOVED TO APPROVE ANDERSON COMPONENTS' REQUEST TO CHANGE THE ZONE DESIGNATION AT 122 SOUTH 800 WEST FROM R1-20 TO MD. COUNCILMEMBER DRAPER SECONDED THE MOTION. VOTING WAS UNANIMOUS IN THE AFFIRMATIVE WITH ALL PRESENT.

3. Public Hearing - Consideration of a Resolution to Declare Certain City-Owned Property as "Surplus."

Mr. Dameron had a list of surplus items and asked that the Council declare them surplus and authorize their sale. The items were as follows.

1. 1986 4-door Dodge Aries, minimum bid \$500
2. 1985 half-ton Chevrolet pick-up truck, minimum bid \$500
3. Two behind-the-cab tool boxes (full size)
4. 48-inch walk-behind commercial Lesco mower
5. Riding tractor - John Deere 314 with tiller/trailer

Mayor Ellertson asked for public comment. There being none, COUNCILMEMBER DRAPER MOVED TO ADOPT RESOLUTION NO. 1-97 DECLARING THE PROPERTY OUTLINED ABOVE AS SURPLUS AND AUTHORIZING THE SALE OF SAID ITEMS. COUNCILMEMBER BAYLESS SECONDED THE MOTION. VOTING WAS UNANIMOUS IN THE AFFIRMATIVE WITH ALL PRESENT.

Mr. Dameron said Staff will place an ad in the newspaper requesting sealed bids.

COUNCILMEMBER DAIN MOVED TO CLOSE THE PUBLIC HEARINGS. COUNCILMEMBER DRAPER SECONDED THE MOTION. VOTING WAS UNANIMOUS IN THE AFFIRMATIVE WITH ALL PRESENT.

4. Final Plat - Canberra Hills, Plat "J", 13 lots, 1400 East 100 South R1-12 zone

(Agenda items 4 through 7 were discussed concurrently.)

Brian Haskell, representative for Canberra Homes, requested final plat approval for the subdivisions as outlined in agenda items 4 through 7. Staff had no concerns except that: 1. the property lines shown on Plat J to the east of the subdivision be removed from the "mylar" before recording the plat because it gives the impression that additional lots are represented, and 2. that the average slope of the lots which are controlled by the Hillside Ordinance be verified as being under 20%. Mr. Haskell stated that all areas of concern for steepness of slope did fall under the maximum allowable slope percentages.

After much discussion, COUNCILMEMBER DAIN MOVED TO APPROVE CANBERRA

## Item 6: Ordinance Amendment Lindon City Code 8.20 Public Nuisances

<p><b>Applicant:</b> Lindon City Staff  <b>Presenting Staff:</b> Hugh Van Wagenen</p> <p><b>Type of Decision:</b> Legislative  <b>Council Action Required:</b> Yes</p>	<p><b><u>SUMMARY OF KEY ISSUES</u></b></p> <ol style="list-style-type: none"> <li>Whether it is in the public interest to adopt noise limits based on time of day within specific zones to protect the health, welfare, and safety of Lindon residents and workers.</li> </ol> <p><b><u>MOTION</u></b>  I move to recommend (<i>approval, denial, continuation</i>) of ordinance amendment 2018-9-O (<i>as presented, with changes</i>).</p>
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### **BACKGROUND**

Noise complaints are not uncommon but are not particularly frequent either. However, the existing nuisance code regarding *Inappropriate Noise* does not have any defined quiet hours, but rather leaves the time frame open to interpretation based on “noise that is substantially incompatible with the time and location where created...”

City staff prefers to have defined parameters where noise limits are established in each zone, based on time of day. This helps not only with enforcement, but also with public education.

### **PREVIOUS PLANNING COMMISSION MEETING**

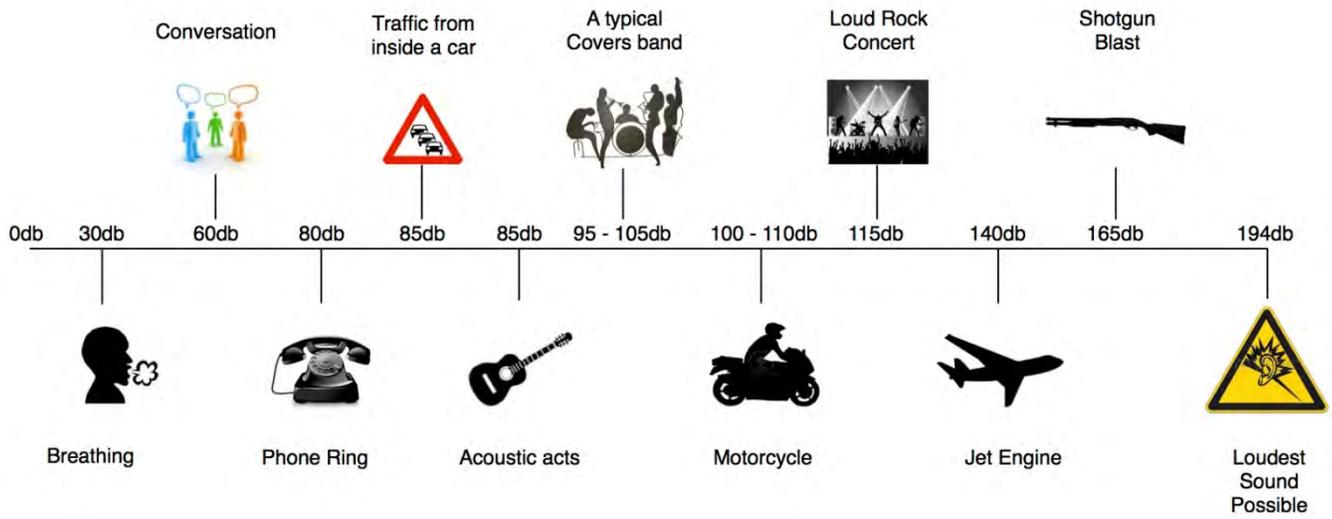
This is the fourth meeting that a draft is before the Commission. Clarification on where noise is measured from, conflicts with the Commercial Farm noise measurement, allowing Heavy Industrial to operate at 85 dBA at night, and stipulating indoor noise levels have all been addressed with the latest draft.

A copy of the ordinance draft has been presented to Police Chief Adams. Staff will inform the Commission of any feedback Chief Adams provides.

The Commission also requested that some base noise level measurements be taken in areas of the City. The following chart has results of those measurements:

<b>Situation</b>	<b>Sound Measurement (dBA)</b>
State Street traffic from sidewalk	70-80
Freeway noise from Parkview Townhomes Plat A	67-70
Freeway noise from new lift station (180 ft)	70-75
Hammer used during construction (Ivory)	72
Truss plant operation from across street (180 ft)	60
Large dust collector machine (30 ft)	68
Wood chipping operation from street (250 ft)	65
Nail gun used during construction (sidewalk)	68
Bobcat backing up signal (15 ft)	74

Please refer to the following sound level chart for context.



<https://www.wetalkuav.com/dji-drone-noise-test/db-chart/>

Additionally, below is part of the City’s zoning map displaying the different sound allowances for day/night in context.



Staff has attached the latest draft of the ordinance for review.

**ATTACHMENTS**

1. 2018-9-0

ORDINANCE NO. 2018-9-O

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, AMENDING SECTION 8.20.030(2)(CC) AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the proposed amendment is consistent with the goal of the General Plan maintain the quality of existing and future neighborhoods; and

WHEREAS, it is in the Public Interest to provide clearly defined noise limits within the City limits; and

WHEREAS, the Lindon City Planning Commission has recommended approval of the proposed ordinance; and

WHEREAS, a public hearing was held on June 12, August 14, August 28, and September 11, 2018, to receive public input and comment regarding the proposed amendment; and

WHEREAS, no adverse comments were received during the hearing; and

WHEREAS, the Council held a public hearing on September 18, 2018, to consider the recommendation and no adverse comments were received.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lindon, Utah County, State of Utah, as follows:

**SECTION I:** Lindon City Code Section 8.20.030(2)(cc) is hereby amended to read as follows:

8.20.030(2)

cc. *Inappropriate Noise.*

- i. It shall be unlawful for any person to make, permit, continue, or cause to be made, or to create any ~~unreasonable~~-loud and disturbing noise in the City beyond the parameters set forth below. Any noise which is substantially incompatible with the time and location where created to the extent that it creates an actual or imminent interference with peace and good order of persons of ordinary sensibilities shall be prohibited.
- ii. Noise limits: The peak intensity of sound, based on continuous noise for two-minute intervals or intermittent noise occurring five or more times within a ten-minute period, shall not exceed the maximum decibel levels as described below, except as expressly allowed by this section.

<u>Zone (sound origin)</u>	<u>Day (7 am —10 pm)</u>	<u>Night (10 pm —7 am)</u>
<u>Residential (R1-12, R1-20, R3, AFPD,</u>	<u>65 dBA</u>	<u>55 dBA</u>

<b><u>PRD, SHFO)</u></b>		
<b><u>Commercial (CG zones, LVC, MC, PC-1/2, R&amp;B, PF)</u></b>	<u>85 dBA</u>	<u>65 dBA</u>
<b><u>Light Industrial (LI)</u></b>	<u>85 dBA</u>	<u>65 dBA</u>
<b><u>Heavy Industrial (HI)</u></b>	<u>85 dBA</u>	<u>85dBA</u>
<b><u>Commercial Farm</u></b>	<u>85 dBA</u>	<u>55 dBA</u>

iii. Devices used to measure noise levels shall:

- a. be set to the "A" frequency weighting and "slow" response characteristic; and
- b. be placed at any point on the property line.

iv. It shall be unlawful to sustain, in any place of public entertainment, including, but not limited to restaurants, dance halls, or event centers, any indoor sound levels equal to or in excess of one hundred five (105) dBA at any time.

v. Exceptions: Sounds created by emergency activities or emergency vehicles are exempt from these provisions. Waivers may be granted by the City Administrator or his/her designee for special public events or special construction projects and upon application shall describe (1) the special nature of the event, (2) the maximum decibel level desired, and (3) the time period for which the waiver is being sought. Upon review of the application, the Administrator may approve, modify or deny the request based on the health, welfare, and safety of the public.

vi. If this section is in conflict with another section of City Code, the more restrictive section shall apply.

**SECTION II:** The provisions of this ordinance and the provisions adopted or incorporated by reference are severable. If any provision of this ordinance is found to be invalid, unlawful, or unconstitutional by a court of competent jurisdiction, the balance of the ordinance shall nevertheless be unaffected and continue in full force and effect.

**SECTION III:** Provisions of other ordinances in conflict with this ordinance and the provisions adopted or incorporated by reference are hereby repealed or amended as provided herein.

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**SECTION IV:** This ordinance shall take effect immediately upon its passage and posting as provide by law.

PASSED and ADOPTED and made EFFECTIVE by the City Council of Lindon City, Utah, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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Jeff Acerson, Mayor

ATTEST:

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Kathryn A. Moosman,  
Lindon City Recorder

SEAL

## Item 7: Discussion Item — Lindon City General Plan

Lindon City 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.

Applicant: Lindon City Presenting Staff: Planning Staff Type of Decision: N/A Council Action Required: Discussion	<b>SUMMARY OF KEY ISSUES</b> Staff will present information regarding the Lindon City General Plan update by reviewing the Land Use section. No formal action will be taken at this time.
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# LAND USE

## LAND USE

### INTRODUCTION

**W**hen Lindon City was settled in the late 1800's, it was settled under a different settlement policy than the other cities in Utah County. Instead of being located on a natural stream, the City of Lindon was established on table land away from natural streams. Water had to be diverted from its natural channels onto the land. Also, instead of building houses in a central cluster, houses in Lindon have been built individually and in small subdivision clusters throughout the entire municipality. This has resulted in a rather evenly but sparsely built community having relatively long utility and service lines in comparison to the number of buildings.

### LAND USE TODAY

Today there are approximately 5,488 acres of land within the City limits, of which approximately 1,950 acres are zoned for residential purposes; ~1,080 acres are zoned for commercial uses; ~820 acres are zoned for the purpose of industrial activities; ~85 acres are zoned research & business; ~100 acres are zoned for public facilities; and ~1,525 acres are zoned for recreational mixed use (open space). Out of the 3,960 acres zoned for development, approximately 2,780 acres (70%), has been built on for residential, commercial, or industrial uses.



View looking west over Lindon and Utah Lake from the Mt. Timpanogos foothills. (2008)

### POPULATION FORECASTS

Population forecasts indicate that the number of people in Lindon will be approximately 13,100 by the year 2020. Total-build-out population estimates for Lindon City show a maximum population of about 15,000 to 17,000. Lindon City's

future growth is restricted by the mountains, the lake, and the boundaries of adjoining cities. Lindon's estimated 2010 Census population is 10,070.

### **LAND USE CATEGORIES**

The Land Use element of the Lindon General Plan encourages the orderly and efficient distribution of land uses in the City. A full range and mix of land uses are provided within the city: including residential, commercial, industrial, and open space.

**Residential Land Uses** include a range of residential classifications including low, medium, and high density. Density is expressed in dwelling units per acre (DU/AC) for single or multiple family dwellings. Zoning regulations may allow in residential areas a limited number of non-residential uses, such as places of worship, neighborhood parks, schools, etc.

The goal of housing and residential areas in Lindon City is to provide a housing and living environment that supports and complements the unique rural quality and character of Lindon City. Objectives of this goal are as follows:



**R1-20 residential zone provides for single-family uses on ½ acre lots. (2010)**

1. Maintain and enhance the pleasing appearance and environmental quality of existing residential neighborhoods by avoiding encroachment of land uses which would adversely impact residential areas (i.e. increased traffic, noise, visual disharmony, etc.) and by providing adequate screening and buffering of any adjacent commercial or industrial development including parking and service areas.
2. Consider flexibility in housing development design and density in the R3 zone.
3. Encourage creative approaches to housing development which will maintain and protect natural resources and environmental features.

4. Ensure that new developments in residential areas (including non-residential uses) provide adequate off-street parking.
5. Provide for the unique community needs of the elderly, disabled, and children.

These considerations yield three residential categories. (Colors refer to General Plan Land Use Map)

- *Residential-Low* (buff) 2 or less DU/AC: It is the purpose of this category to provide areas of low density residential neighborhoods of essentially spacious and uncrowded character to promote the benefits of an open, rural atmosphere, and to provide for areas where large animals are permitted. Includes area typically zoned as R1-20.
- *Residential-Medium* (yellow) 3.6 or less but greater than 2 DU/AC: It is the purpose of this category to provide areas of medium density, residential neighborhoods of medium sized lots. Includes area typically zoned R1-12.
- *Residential-High* (tan) greater than 3.6 DU/AC: It is the purpose of this category to provide modest amounts of high density, residential development. Includes area typically zoned R3 or R2-Overlay as further described below:
  - *R2 Overlay* (no color – affects all residential zones): This higher density residential development is to be spread throughout the entire community. The residential zones are divided into separate districts, with a specific number of multi-family units being allowed in each district based on a percentage of the land area in the district multiplied by the number of units allowed per acre. Accessory apartments are also regulated through this overlay zone. See Chapter 17.46 of the Lindon City Code for more details regarding high density in the City.
  - *R3* (tan): To allow for more affordable housing, as well as lower density housing traditional to Lindon, a higher density area is provided in the R3 zone. A major consideration of this development is to consider densities that make a portion of the development more affordable or more appropriate for the elderly, while maintaining as much of the character of Lindon as possible, including some larger lots, open space, rural character, compatibility with surrounding development/zones, and modest impact on city infrastructure. To enhance open space, while still allowing for somewhat greater densities, there should be allowance for some clustering and variable lot sizes.

**Commercial Land Uses** provide a variety of goods and services to the people who visit, live, and work in Lindon. It is the purpose of the commercial area to provide areas in appropriate locations where a combination of business, commercial, entertainment, and related activities may be established, maintained, and protected. Commercial use areas should be located along major arterial streets for high visibility and traffic volumes.



Retail businesses found within the CG zone along State Street in Lindon. (2010)

Whenever commercial uses are adjacent to established or planned residential areas, special care must be taken to ensure privacy and protect personal property. Methods of protecting residential areas by providing transitions and buffers between residential and commercial areas include increased setbacks, landscaping, restricted land uses, diversion of traffic, controlled noise or light, height limitations, and transitional land uses such as research and development office uses. (Colors refer to General Plan Land Use Map)

- *General Commercial* (pink): This category includes retail and service oriented businesses, and shopping centers which serve community and regional needs. Includes area typically zoned CG, PC-1, and PC-2.
- *Mixed Commercial* (violet): This category includes general commercial, low intensity light Industrial, and research and business uses. Includes areas typically zoned MC.

The goal of commercial development is to encourage the establishment and development of basic retail and commercial stores which will satisfy the ordinary and special shopping needs of Lindon citizens, enhance the City's sales and property tax revenues, and provide the highest quality goods and services for area residents. Objectives of this goal are to:

1. Expand the range of retail and commercial goods and services available within the community.

2. Provide for adequate access, off-street parking, traffic circulation, noise buffering, and other operational considerations within commercial areas.
3. Improve the image and appearance of commercial areas by adoption of specific design guidelines and possible improvement districts, especially along State Street, Geneva Road, 200 South, 600 South, 700 North and the freeway interchange off-ramp areas.
4. Promote new office, retail, and commercial development along State Street and 700 North.
5. Encourage development of commercial facilities, such as hotels, restaurants and vehicle-related services at transportation interchanges.
6. Carefully limit any negative impact of commercial facilities on neighboring land-use areas, particularly residential development.
7. Build upon existing commercial site design and development standards, including architectural design guidelines and guidelines for landscaping and signage, to express the desired overall image and identity as outlined in the Community Vision Statement.
8. Encourage safe and convenient pedestrian access to shopping and service areas.

**Industrial Land Uses** provide for employment and manufacture of materials which are essential to the economy of Lindon City. It is the purpose of this industrial district to provide areas in appropriate locations where a combination of research and development, manufacturing, and industrial processing and warehousing may be conducted. (Colors refer to General Plan Land Use Map)

- *Research and Development* (dark orange): This category is for areas of very light industrial uses with the character of a high-tech research park, corporate offices, and/or commercial uses which are compatible with surrounding properties. Depending on specific business activities, this type of development is viewed as particularly helpful for buffering between residential and other uses. Includes areas typically zoned R&B.



Technology businesses located in the R&B zone in Lindon. (2010)

- *Light Industrial* (light gray): This category is for areas where manufacturing, industrial processes, and warehousing uses not producing objectionable effects may be established. Some related retail uses are appropriate for this designation. Includes areas typically zoned LI.
- *Heavy Industrial* (dark gray): This category is for areas where heavy manufacturing industrial processes necessary to the economy may be conducted. Includes areas typically zoned HI.



View of industrial office / warehouse building that has been typical of recent developments in the LI zone. (2010)

The goal of commercial and industrial development is to promote employment opportunities, quality businesses, and environmentally clean industrial and technology development which will provide a diversified economic base and will complement local retail, commercial, and industrial establishments in harmony with the community's overall country image and identity as reflected in the Community Vision Statement. Objectives of this goal are as follows:

1. Encourage the development of high quality, aesthetically pleasing business park areas incorporating major landscape features.
2. Identify those areas most appropriate for business park development in future growth areas, such as major highway access areas.
3. Establish and enforce standards with respect to environmental concerns such as; noise, air quality, odor and visual.
4. Increase the city's business base in the technology sector, building on the existing base and growing technology infrastructure, and consider expanding the Research and Development zones.

**Special Use** areas include land use classifications that are distinct from the other major land use classifications. These uses include open spaces, public and quasi-public uses, and areas of significant environmental constraints which impact development. The locations for these activities are interspersed within residential and non-residential areas.

In some cases the City does not control the location of special uses, such as schools, major electrical transmission lines, and telecommunications infrastructure. The State and Federal Government can preempt local land use authority. However, the City will work with other jurisdictions and agencies on decisions regarding land

use. Any negative impacts, including visual impacts, should be mitigated whenever possible.

- *Open Space* (light green): The natural open space category applies to areas that will remain primarily as open space. This area includes State and Federal lands, and environmentally sensitive areas such as hillsides and wetlands. Includes areas typically zoned RMU.
- *Parks and Public Facilities* (dark green): This category refers to open space property owned by the city and designated for public use - primarily recreation (parks & trail systems) or public works and government facilities. Includes areas typically zoned PF.
- *Travel* (overlay – no color): The travel category is an overlay district to encourage and require appropriate land uses adjacent to freeways to ensure attractive and orderly views.

*Hillside protection* (overlay – no color): The hillside protection category is an overlay district east of the Salt Lake Aqueduct and other areas with a slope over twenty percent (20%). The purpose of the district is to protect sensitive hillside areas, to minimize soil and slope instability, erosion, downstream siltation, and to preserve the character of the hillsides.

### **Additional Land Use Interests:**

**Open Space Preservation** as been identified as an important and valid community interest in order to maintain the rural characteristics and the existing 'little bit of country' ideals currently found within the city. Open spaces are considered to be a mix of undeveloped lands, farms and pastures, and lands available for parks and recreation. The city has been active in preserving various types of open spaces in the past (foothills, wetlands, trail corridors, parks, etc.) and seeks to continue this effort as a critical component necessary to maintain the character of the community.

The goal of the open space preservation land use interest within the general plan is to consider more proactive approaches to securing valued open spaces to be perpetually preserved throughout the community. Objectives of this goal are as follows:

1. Consider various methods for securing open space properties including soliciting land donations, exploring options for community approved open space preservation bonds, or appropriating money from the general fund.
2. Identify, where appropriate, land use development scenarios which provide opportunities for securing and perpetually preserving open space (i.e.,

payment in lieu of dedication, density bonuses, clustering of development, transfer of development rights, etc.)

3. Inventory open space properties within the city with critical open space areas evaluated and ranked in order of importance to the community. Although other opportunities for other open space preservation areas may arise, the inventoried priority areas should be the focus of city expenditures to purchase and/or preserve open space.

**Beautification** of streetscapes and public properties has been identified as a strongly desired interest within the community. Beautification may include activities such as increased planting of trees and flowers within public properties, installation of street lighting and planter areas along streetscapes, increased weed abatement, and/or increased landscaping requirements for non-residential developments.

The goal of the beautification interest in the general plan is to increase the aesthetic appeal and character of the city through visual enhancement of public spaces and streetscapes. The focus of beautification activities should be along State Street and 700 North, near gateway areas into the city, within existing parks, and within other priority areas such as the City Center Campus. Possible funding sources for the beautification efforts could be obtained through mapped RDA areas, merchant fees, sales taxes, or other programs intended to incentivize additional landscaping in non-residential areas. Objectives for this goal are as follows:

1. Promote increased tree plantings and flower / shrubbery planting along public streets. This may include increased landscaping requirements along street frontages or within parking lots that are visible from a public street.
2. Explore options to install functional, decorative street lighting along arterials and major collectors.
3. Increase tree plantings and flower / shrubbery plantings within public spaces (parks, city facilities, trail corridors, street corners, public streetscapes, etc.).

### **LAND USE GUIDELINES**

The following land use guidelines shall apply city-wide.

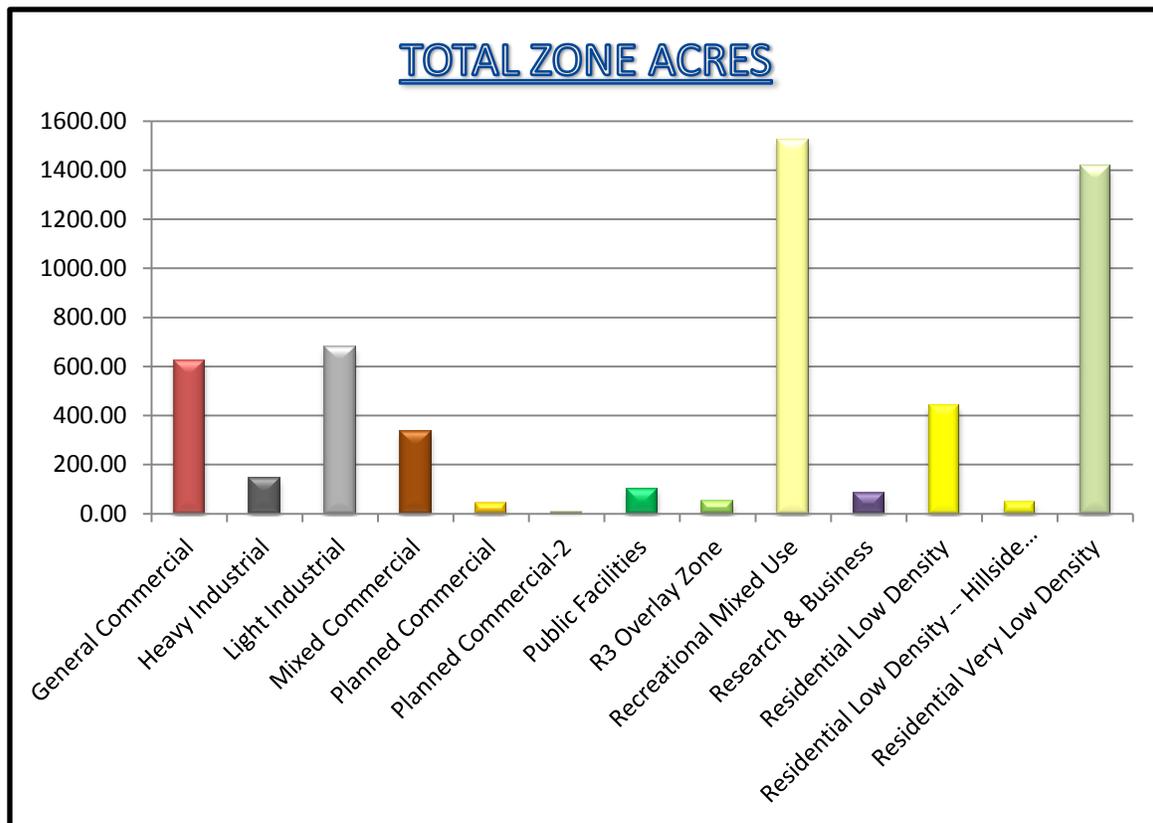
1. The identity of Lindon should be strengthened by land uses which contribute to the unique character of the community.
2. The relationship of planned land uses should reflect consideration of existing development, environmental conditions, service and transportation needs, and fiscal impacts.

3. Developed areas should be protected and revitalized by promoting new development and the adaptive reuse of existing community resources.
4. The Land Use Plan should provide for a full range and mix of land uses including residential, commercial, industrial, and special use areas.
5. A variety of housing types should be provided where appropriate, and innovative development patterns and building methods that will result in more affordable housing should be encouraged.
6. Transitions between different land uses and intensities should be made gradually with compatible uses, particularly where natural or man-made buffers are not available.
7. Growth should be guided to locations contiguous to existing development to provide city services and transportation in a cost-effective and efficient manner.
8. Development approval should be tied to the construction of primary culinary and secondary water, sewer, storm drainage, circulation systems, and other utility systems and should be in general conformance with the Utility Master Plans.
9. Density increases should be considered only upon demonstration of adequate infrastructure and resource availability.
10. An interconnecting trail system which is accessible to the public should be provided between city facilities, pedestrian centers, commercial areas, recreational areas, natural areas, and drainage ways.
11. Commercial and industrial uses should be highly accessible, and developed compatibly with the uses and character of surrounding districts.
12. Land use patterns should be encouraged that provide adequate off-street parking, reduce travel distances for employment and essential services, limit pollution, allow for alternative modes of transportation, and conserve energy.
13. Open space preservation should be a primary consideration when evaluating land use developments. The city should consider reasonable efforts, in line with the character of the community, to preserve and protect priority open space lands.
14. Beautification efforts (decorative street lighting, tree and planter installations, etc.) should be encouraged as part of new developments and as part of city re-development efforts of existing public properties and streetscapes.

## DEVELOPMENT TOTALS BY ZONE

(Data from Summer 2009)

ZONE	TOTAL ZONE ACRES	UNDEVELOPED PARCEL COUNT	UND SQ FT	UNDEVELOPED ACRES	DEVELOPED ACRES	% BUILT OUT
General Commercial	621.35	160	13,293,627	305.18	316.17	51%
Heavy Industrial	144.03	18	2,397,989	55.05	88.98	62%
Light Industrial	679.01	144	7,384,515	169.53	509.48	75%
Mixed Commercial	334.12	164	12,045,236	276.52	57.60	17%
Planned Commercial	40.93	14	481,745	11.06	29.87	73%
Planned Commercial-2	6.17	2	150,911	3.46	2.71	44%
Public Facilities	101.38	25	371,420	8.53	92.85	92%
R3 Overlay Zone	51.36	154	805,553	18.49	32.87	64%
Recreational Mixed Use	1525.67	37	34,364,990	788.91	736.76	48%
Research & Business	84.82	7	530,675	12.18	72.64	86%
Residential Low Density	439.81	201	3,658,808	83.99	355.81	81%
Residential Low Density -- Hillside Overlay	45.47	25	808,306	18.56	26.92	59%
Residential Very Low Density	1414.05	447	9,436,661	216.64	1197.41	85%
<b>CITY-WIDE TOTALS</b>	<b>5488.18</b>	<b>1398</b>	<b>85,730,436</b>	<b>1968.10</b>	<b>3520.08</b>	<b>64%</b>
CITY-WIDE TOTAL W/OUT REC MIXED USE	3962.50	1361.00	51,365,446	1179.19	2783.31	70%
TOTAL COMBINED COMMERCIAL/INDUSTRIAL	1910.44	509.00	36,284,698	832.98	1077.46	56%
TOTAL COMMERCIAL	1087.40	347.00	26,502,193	608.41	478.99	44%
TOTAL INDUSTRIAL	823.04	162.00	9,782,504	224.58	598.46	73%
TOTAL COMBINED RESIDENTIAL	1950.69	827	14709327.74	337.6797	1613.01	83%



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## Item 8: New Business (Planning Commissioner Reports)

Item 1 – Subject \_\_\_\_\_

Discussion

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Item 2 – Subject \_\_\_\_\_

Discussion

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Item 3 – Subject \_\_\_\_\_

Discussion

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**Item 9: Planning Director Report**

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**Adjourn**