

2 The Lindon City Planning Commission held a regularly scheduled meeting on
3 **Wednesday, January 14, 2009**, beginning at 7:00 p.m. in the Lindon City Center, City
4 Council Chambers, 100 North State Street, Lindon, Utah.

5 Conducting: Jim Peters, Chairperson

6 Invocation: Ken Miller

7 Pledge of Allegiance: Jim Peters

8 **PRESENT**

ABSENT

10 Jim Peters, Chairperson

Ron Anderson, Commissioner

12 Matt Bean, Commissioner

Sharon Call, Commissioner

14 Gary Godfrey, Commissioner

Mark Johnson, Commissioner

16 Ken Miller, Commissioner

Adam Cowie, Planning Director

18 Woodworth Mataele, Assistant Planner

Debra Cullimore, City Recorder

20 The meeting was called to order at 7:03 p.m.

22 **APPROVAL OF MINUTES** – The minutes of the meeting of December 10, 2008 were
24 reviewed.

26 COMMISSIONER MILLER MOVED TO APPROVE THE MINUTES OF THE
28 MEETING OF DECEMBER 10, 2008. COMMISSIONER JOHNSON SECONDED
THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

30 **PUBLIC COMMENT** –

32 Chairperson Peters called for comments from any resident present who wished to
34 address an issue not listed as an agenda item. There was no public comment.

CURRENT BUSINESS –

- 36
- 38 1. **Public Hearing (Continued)** – *Major Subdivision – Canberra Estates*
40 *Subdivision – Approximately 400 North 1200 East.* This item was continued from
42 the November 12, 2008 meeting and is a request for approval of 9-lot subdivision
44 in the R1-12 zone. This subdivision layout is bisected by the master-planned
1200 East roadway and has multiple development issues related to the Salt Lake
Aqueduct easement and topography of the site. Primary access to the site will be
from 1200 east and 380 North. Recommendations from the Planning Commission
will be forwarded to the City Council for final action.

2 COMMISSIONER MILLER MOVED TO OPEN THE PUBLIC HEARING TO
3 CONSIDER THE CANBERRA ESTATES SUBDIVISION PRELIMINARY PLAT
4 APPLICATION. COMMISSIONER GODFREY SECONDED THE MOTION. ALL
5 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

6 David Ackley and Dale DeLlamas were present as representatives for this
7 application. City Engineer, Mark Christensen, was also present to discuss this
8 application with the Commission. Mr. Cowie explained that this is a request for a nine
9 lot subdivision in the R1-12 zone. The Planning Commission has reviewed this
10 application on two previous occasions in October and November. Mr. Cowie noted that
11 there are a number of complicated issues relative to this application due to the location of
12 150 foot wide Salt Lake Aqueduct easement which runs the length of the subject
13 property.

14 Mr. Cowie noted that it would not be necessary for the Commission to consider
15 each individual exception to typical development standards relative to this application.
16 He suggested that the Commission make a general consideration as to whether the
17 benefits to the public which will result from this development warrant the requested
18 exceptions.

19 Mr. Cowie stated that 1200 East currently ends near Queensland Court. The road
20 would be extended approximately 2000 feet as part of this development. Lots 5, 6, and 7
21 which were included in the original application have been removed from the request for
22 the time being due to identified geo-hazards which could potentially affect those lots.
23 The development will have access from 380 North, as well as from the continuation of
24 1200 East. Mr. Cowie invited Mr. Christensen to review the primary changes to the
25 application which have been submitted since the last Planning Commission review.

26 Mr. Christensen stated that one of the major changes is the removal the three
27 northern lots and the associated road section. A hammerhead turnaround area is proposed
28 at the north end of 1200 North until the road connection is completed at some time in the
29 future. Mr. Christensen noted that the proposed hammerhead turnaround is the standard
30 cross section approved by the City Council for use in specific situations. He stated that
31 while this location does not meet the criteria specified by the City Council for approval of
32 this cross section, in his opinion using the turnaround in this instance makes sense
33 because of the constraints imposed by the aqueduct easement.

34 Mr. Christensen stated the third significant change to the proposal is the location
35 of utilities on the south side. He noted that there is an existing retaining wall on the
36 corner of 380 North and 1200 East where utilities would typically be installed in the
37 existing easement. In an effort to minimize disruption to existing improvements, the
38 applicant is proposing to run the utilities in the existing public utility easement between
39 the corner lot and the adjacent lot. Mr. Christensen stated that if the proposed location is
40 approved by the utility companies, the City has no objection.

41 Mr. Ackley explained additional improvements which will be necessary in order
42 to construct the street. He stated that a new retaining wall with a reinforced earth
43 structure will be completed adjacent to the existing retaining wall on the corner. He
44 explained that the existing wall is not structural in nature, and that the new wall will
45 extend five to six feet higher than the existing wall to accommodate the road.
46 Commissioner Godfrey inquired as to whether there would be a potential for damage to

2 the existing wall during construction. Mr. Ackley stated that the existing wall would be
reinforced as necessary to avoid damage. Mr. Ackley stated that a see through railing
4 will be installed along the side of the road. The design of the barrier will be intended to
allow wild life, such as deer, to see through the fence and not jump off the side and be
injured or killed, but to prohibit children being able to climb on or over the fence.
6 Commissioner Godfrey observed that engineering notes indicate that the fence should be
six feet high.

8 Commissioner Call asked Mr. Ackley if he has discussed the proposed utility
locations and retaining wall with the affected property owners. Mr. Ackley stated that he
10 has met with the Linds, and that they seem to be in agreement with the proposal.

12 The Commission reviewed the proposed design of the underground water line
structure. Chairperson Peters noted that the current proposal calls for flowable fill around
the water lines. Mr. Ackley stated that in addition to the flowable fill around the lines, a
14 barrier wall on the west side of the water lines reaching nearly to the ground surface will
be constructed, as well as gravel in the surrounding area to allow water to percolate to the
16 surface in the park strip between the sidewalk and curb and gutter, where it would be
directed into the street and the storm drainage system.

18 Chairperson Peters called for public comment. Lance Nickels suggested that a
barrier wall be installed along the new 1200 East roadway section. He expressed concern
20 regarding the possibility of traffic accidents on the street behind his home, which may
result in vehicles coming over the 12 foot drop and into his yard. Mr. Ackley stated that
22 no barrier is proposed at this time, but that a barrier could be considered if necessary.

24 Bill Vincent expressed concern regarding possible noise impacts from traffic on
1200 East. He requested that rather than a traffic barrier, a six foot block wall be
installed along the rear of Queensland Court to mitigate noise impacts. Mr. Vincent also
26 expressed concern regarding retention and engineering design on the slope from 1200
East into adjacent yards. Mr. Vincent also suggested that speed bumps be installed to
28 control traffic speed on the new roadway due to the steep slope and potential safety
concerns.

30 Commissioner Call inquired as to the amount of traffic which will be anticipated
on the street. Mr. Nickels asserted that approximately 50 residences will routinely use
32 1200 East, and that it will become a significant traffic corridor. Resident Dave McGill
asserted that there would be a significant increase in traffic on 1200 East, and that the
34 dead-end hammer head turnaround area may present concerns.

36 Chairperson Peters asked Mr. Christensen to comment on the hammer head
turnaround design in relation to anticipated traffic. Mr. Christensen stated that the
hammer head will be designed large enough to accommodate turnaround space for large
38 emergency vehicles, such as fire trucks. He observed that if the hammer head is large
enough to accommodate large vehicles, private vehicles should not have difficulty
40 turning around without it. He clarified that the turnaround design is a function of
necessary space rather than traffic volume. Mr. Ackley pointed out that 1200 East is a
42 Master Planned collector street.

44 Mr. Vincent asked for clarification regarding the Commission's opinion on his
request to install a six foot sound barrier wall. Chairperson Peters explained that the
Commission does not have adequate information to make a decision regarding a sound

2 barrier wall at this time, but that the concern will be passed along to the City Council for
review and discussion.

4 Members of the audience inquired as to the expected start date for this
development. Mr. Ackley stated that due to the current economic climate, construction is
not likely to begin prior to spring of 2010.

6 Commissioner Godfrey requested clarification regarding the stacked utilities. He
noted that repair and maintenance may be problematic based on the proposed
8 configuration of utilities lines. He inquired as to the proposed location of the storm drain
on the north end of the development. Mr. Ackley stated that aside from water and storm
10 drain, utilities will stop at lot #8. He noted that water lines will run slightly past lot #8 to
connect to existing lines in the adjacent cul-de-sac in the future. Mr. Christensen stated
12 that storm water will flow into a four to six foot ditch which will be constructed in the
existing soil. He stated that he is comfortable with the proposed storm water ditch. Mr.
14 Ackley clarified that the ditch will be removed and the storm drain pipe extended to the
north when the three lots which were removed from the plat develop in the future.

16 Chairperson Peters noted that PVC pipe is proposed for utility lines in lieu of
concrete. Mr. Christensen stated that concrete is typically used for utility lines to allow
18 operators of excavation equipment to be aware of the location of utility lines before
damage occurs as the excavation equipment contacts the cement barrier. He explained
20 that concrete structures are not allowed in the aqueduct easement area. He stated that
while the PVC pipe does not comply with typical standards, the proposed system will be
22 functionally adequate. Chairperson Peters inquired as to whether Mr. Christensen had
any concerns regarding the life expectancy of the proposed pipe structures. Mr.
24 Christensen stated that he had no concerns. Commissioner Godfrey inquired as to the
diameter of the storm drain pipe. Mr. Christensen stated that the storm drain will be a 15
26 inch, black plastic pipe, similar to systems commonly used on private sites.

28 Chairperson Peters stated that he has contacted Public Works Director, Don
Peterson, to discuss Mr. Peterson's concerns. Mr. Peterson indicated that the main
concern he has is potential flooding in the event of a water line break. Mr. Ackley stated
30 that there may be other design options available, such as installing a perforated pipe
below the water line which would direct any leaks into the storm drainage system. Mr.
32 Christensen noted that one condition of approval for many applications is that all
engineering concerns be addressed. He suggested that any motion to approve this
34 application include a condition that all engineering and public works concerns be
addressed to the satisfaction of the City.

36 Commissioner Godfrey asked if Chairperson Peters had discussed the proposed
grinder pump sewer system with Mr. Peterson. Chairperson Peters stated that he had not
38 specifically discussed the proposed sewer system, but that he was under the impression
that the pumps and associated lines would be privately owned and maintained. Mr.
40 Ackley stated that he has talked with local distributors of the proposed sewer systems,
and that the distributors directed him to the Snyderville Basin area near Park City where a
42 250 home development uses this type of system. Snyderville Basin reported only minor
problems in the nine years the system has been in use.

44 Mr. Christensen stated that he also spoke with the Public Works Director in
Springdale City where a number of similar systems have been installed by developers
46 since 2001. Mr. Christensen stated that initial systems installed in Springdale were

2 owned and maintained by the City, but that any new systems must be owned and
maintained by homeowners or a homeowners association. Mr. Ackley noted that it is his
4 intention that each home would have a grinder pump which would be privately owned
and maintained by the homeowner. He noted that 'duplex' pumps are available, which
would provide back up if one pump were to fail.

6 Commissioner Call noted that since the existing systems which have been
investigated have been in use only since 2001, there is not much data regarding long term
8 maintenance and repair of the system. Mr. Ackley stated that similar systems are widely
used in other areas of the country.

10 Chairperson Peters inquired as to what steps the applicant has taken to address
slope concerns related to the Hillside Overlay. Mr. Ackley stated that on the west side of
12 the street, it will be necessary to fill some areas in excess of ten feet due to the road
elevation. He stated that the fill will be a reinforced earth system. He stated that each lot
14 will have a building pad which does not exceed a 20% slope. Commission Call noted
that any fill which exceeds the allowable ten feet of fill will require a separate approval
16 from the Board of Adjustments. Mr. Ackley acknowledged that he is aware that the filled
areas will require a variance from the Board of Adjustments.

18 Mr. Cowie noted that the applicant is requesting that pressurized irrigation not be
required for this development. He noted that this request will require a separate approval
20 from the City Council for a Relief Petition Application. Mr. Ackley noted that the
request to not install pressurized irrigation is a result of the easement restrictions.

22 Commissioner Godfrey observed that due to the proposed placement of fire
hydrants, it will be necessary to specify that hydrants will have to be visible and
24 accessible. Mr. Ackley suggested the possibility of installing an area of asphalt around
the hydrants to prevent shrubs from being planted in the area which may obscure the
26 visibility.

Commissioner Godfrey requested clarification regarding the road design. Mr.
28 Ackley stated that the median will be split, with a ten foot elevation difference in some
locations. Commissioner Godfrey expressed concern regarding possible danger to
30 wildlife if they were to jump or fall over the elevated areas. Mr. Ackley stated that the
type of barriers used will allow wildlife to see through to the other side in an effort to
32 minimize any risk to wildlife.

Commissioner Godfrey inquired as to the width of the un-irrigated median area.
34 Mr. Ackley stated that the median will be approximately ten feet wide. Commissioner
Godfrey expressed concern regarding long term maintenance of the median area. He
36 suggested the possibility of using large landscape rocks in the median area. He also
suggested the possibility of using similar rocks as a barrier along 1200 East adjacent to
38 Queensland Court. Mr. Ackley stated that there is not adequate space to use rocks as a
barrier adjacent to Queensland Court. Lance Nickels suggested the use of four by eight
40 barrier blocks. Commissioner Godfrey inquired as to the distance from the property line
to the house in the area of the requested barriers. Mr. Mataele measured the distance at
42 approximately 20 feet. Chairperson Peters stated that the appropriate type of barrier will
be determined by the Engineers.

44 Mr. Cowie reviewed conditions of approval as suggested by staff as follows:

1. Most proposed utility locations do not meet currently adopted standard locations and specifications. Some modifications are acceptable to Public Works and Engineering, and others do not appear acceptable. Since the City Council has final approval on requests to vary from the standard specification, the Planning Commission should specify whether consideration of the utility exceptions are part of a motion, or if the utility issues were reviewed by the Commission but left up to City Council to make final determination. The Planning Commission should provide input on the utility locations and impacts to the City and adjacent lots, but not make determinations on each individual variation from typical standards.
2. The hammerhead turn around design meets fire code, but is not currently adopted as proposed in the standard specifications, of the City. Since the City Council has final approval on request to vary from the standard specifications, the Planning Commission should render an opinion regarding the proposed turn around as part of the motion.
3. Lots 5, 6, and 7 have been withdrawn and are not proposed in the current application. These lots should not be granted preliminary approval as part of this application. The City has not received enough information to verify that the slopes will not adversely affect buildable areas, and that the identified geologic hazards will not adversely affect the lots. Approval of these lots will require a separate subdivision approval process.
4. The developer shall provide a hazard-free, maintenance resistant ground cover in the medians.
5. Cross easement as needed shall be shown on the plat or separate legal instrument between all lots with shared driveway accesses.
6. Water pressures are proposed to meet State required minimums, but will not be at typical found in Lindon. THE developer has offered to install pump systems in each dwelling unit to increase water pressures. Given the developers willingness to install, individual pressure increasing pumps should be required in each dwelling.
7. Approval of the currently proposed subdivision is contingent on the developer obtaining a 'Relief Petition' in order to have the request for not connecting the pressurized irrigation system considered. The developer shall apply for a separate Relief Petition application. If denied, the pressurized irrigation system must be installed for this subdivision.
8. Approval of the subdivision is contingent on the developer receiving a variance on cut/fill limitations imposed by the Hillside Overlay ordinance. The developer shall apply to the Board of Adjustments for a separate variance request for any cuts and fills that exceed 10 feet.
9. Any agency having existing easement or utilities on the property will need to sign the final plat and/or approve the construction design of the roadway. (i.e. Bureau of Reclamation, Metropolitan Water District of Salt Lake and Sandy, Rocky Mountain Power, etc.)

Mr. Nickels expressed concern regarding the request to not connect to the pressurized irrigation system. He felt that it would be unfair to allow this development to

not connect to the system when other residents have been required to do so. Mr. Ackley reiterated that the request to not install pressurized irrigation is based on restrictions in the aqueduct easement area.

Commissioner Call asked if there would be any other practical use of this property if it is not developed as proposed. Chairperson Peters noted that it appears that the applicants have done their best to create a developable project. Mr. Ackley noted that they have worked closely with the project engineer, the City engineer and City staff to create the best plan possible given the many restrictions on the property which result from the aqueduct easement. Mr. Cowie agreed that the majority of the exceptions being requested are a result of the easement restrictions.

Commissioner Bean inquired as to how much additional development could take place along the foothills area of the City. Mr. Christensen stated that the development would be essentially the last residential development. He noted that 1200 East will eventually extend to the north, but that any privately owned land is too steep to allowed development under current City ordinance requirements. He noted that there may be two or three existing vacant lots, but that no additional streets will be constructed as part of any new development in the Hillside Overlay area.

Chairperson Peters noted that the biggest concern expressed by Public Works and City staff is the water and potential breaks in the future. He observed that it appears that the applicants have addressed this concern to the best of their ability.

Commissioner Godfrey noted that establishing a homeowners association to take responsibility for the proposed sewer facilities would alleviate that particular concern. Mr. Ackley stated that all information he has been able to obtain regarding the proposed sewer system indicates that problems associated with the system are minimal. Mr. Christensen agreed with this assessment. Mr. Christensen reiterated that the biggest engineering concern is the location of the water. He stated that if the water lines could be moved into the roadway area, that particular concern would be alleviated.

Chairperson Peters called for further public comment. Hearing none, the Public Hearing was closed.

COMMISSIONER MILLER MOVED TO CLOSE THE PUBLIC HEARING TO CONSIDER THE CANBERRA ESTATES SUBDIVISION PRELIMINARY PLAT APPLICATION. COMMISSIONER CALL SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Commissioner Call observed that it appears that there are a number of conditions which need to be articulated in a motion. She observed that while there are a number of exceptions being requested, it does not appear there is any other feasible way to develop the property. She felt that the developer had addressed the concerns of the City as well as possible given the easement restrictions.

Chairperson Peters observed that if this development is not approved and completed, the City would ultimately be responsible to purchase the property for the road, and complete construction of the roadway. Commissioner Bean felt that the issue before the Commission at this time is whether the public benefit associated with this development outweighs the potential detriments. He noted that the public benefit would

2 include completion of the roadway, the trail, and the access road to the water tank. He
felt that the applicant has made a reasonable effort to address the relevant issues.

4 Chairperson Peters stated that he depends on the expertise of Mr. Christensen,
who has expressed that concerns have been sufficiently mitigated. He noted that any
6 motion to approve should put the burden on the developer to make sure the development
addresses any additional Public Works or Engineering concerns prior to final approval.

8 Commissioner Godfrey agreed that he relies heavily on the expertise of City staff.
He expressed concern that it seems that the times when City's seem to experience
10 negative results of development is when a development may be allowed in an unsuitable
location, such as recent development in Cedar Hills. He felt that the Hillside Overlay
was established to address specific concerns, and that if the development presents
12 unacceptable traffic or water impacts, it may be appropriate for the City to obtain the
necessary property and construct the road as a City project in the future.

14 Chairperson Peters called for further comments or discussion. Hearing none, he
called for a motion.

16
18 COMMISSIONER BEAN MOVED TO APPROVE THE CANBERRA
ESTATES SUBDIVISION PRELIMINARY PLAT AND RECOMMEND APPROVAL
TO THE CITY COUNCIL WITH THE FOLLOWING CONDITIONS:

- 20 1. THAT ISSUES RELATIVE TO UTILITY PLACEMENT ARE LEFT TO THE
22 CITY COUNCIL TO MAKE A FINAL DETERMINATION, AND THAT A
HOMEOWNERS ASSOCIATION BE ESTABLISHED TO OWN AND
MAINTAIN THE SEWER PIPES IN THE SUBDIVISION.
- 24 2. THAT THE HAMMERHEAD TURNAROUND DESIGN IS PERMITTED.
- 26 3. THAT LOTS 5, 6 AND 7 ARE NOT ON THE PROPOSED PLANS, AND WILL
REQUIRE APPROVAL OF A SEPARATE SUBDIVISION APPLICATION IN
THE FUTURE.
- 28 4. THAT THE DEVELOPER PROVIDE A HAZARD FREE, LOW
30 MAINTENANCE GROUND COVER AND LANDSCAPING IN THE
MEDIANS, SUCH AS LARGE BOULDERS AND OTHER DECORATIVE
ELEMENTS.
- 32 5. THAT CROSS EASEMENTS AS NEEDED BE SHOWN ON THE PLAT (OR
34 SEPARATE LEGAL INSTRUMENT) BETWEEN ALL LOTS WITH SHARED
DRIVEWAY ACCESSSES.
- 36 6. THAT A PRESSURE INCREASING PUMP BE INSTALLED BY THE
DEVELOPER IN EACH DWELLING.
- 38 7. THAT APPROVAL OF THE PROPOSED PLAN WHICH DOES NOT
40 INCLUDE CONNECTION TO THE PRESSURIZED IRRIGATION SYSTEM
WILL REQUIRE APPROVAL OF RELIEF PETITION APPLICATION BY
THE CITY COUNCIL, AND THAT LOW WATER USE LANDSCAPING BE
RECOMMENDED ON ALL LOTS.
- 42 8. THAT APPROVAL OF THE SUBDIVISION IS CONTINGENT ON THE
44 DEVELOPER RECEIVING A VARIANCE ON CUT/FILL LIMITATIONS
IMPOSED BY THE HILLSIDE OVERLAY ORDINANCE. THE DEVELOPER
SHALL APPLY TO THE BOARD OF ADJUSTMENTS FOR A SEPARATE

2 VARIANCE REQUEST FOR ANY CUTS OR FILLS THAT EXCEED TEN
3 FEET.

4 9. ANY AGENCY HAVING EXISTING EASEMENTS OR UTILITIES ON THE
5 PROPERTY WILL NEED TO SIGN THE FINAL PLAT AND/OR APPROVE
6 THE CONSTRUCTION DESIGN OF THE ROADWAY, INCLUDING BUT
7 NOT LIMITED TO BUREAU OF RECLAMATION, METROPOLITAN
8 WATER DISTRICT, ROCKY MOUNTAIN POWER.

9 10. THAT THE APPLICANT ADDRESS CONCERNS OF CITY ENGINEERING
10 AND PUBLIC WORKS STAFF TO THE SATISFACTION OF THE CITY.

11 COMMISSIONER MILLER SECONDED THE MOTION. THE VOTE WAS
12 RECORDED AS FOLLOWS:

13 COMMISSIONER BEAN AYE
14 COMMISSIONER CALL AYE
15 COMMISSIONER GODFREY NAY
16 COMMISSIONER JOHNSON AYE
17 COMMISSIONER MILLER AYE
18 COMMISSIONER PETERS AYE

19 THE MOTION CARRIED (5-1) WITH ONE ABSENT.

20 The application will be forwarded to the City Council for final action, including
21 consideration of barriers along the 1200 East roadway adjacent to Queensland Court.

22

23 2. **Action Item** – *New Planning Commission Chair and Vice Chair*. This is an
24 annual election of a new Planning Commission Chair and Vice Chair for the 2009
25 calendar year. New nominations will be made by Commission members and a
26 vote for the nominations will occur. The newly elected Chair and Vice Chair will
27 begin service at the January 28th meeting.

28

29 Mr. Cowie stated that Jim Peters currently serves as the Chair of the Planning
30 Commission, and Gary Godfrey serves as the Vice Chair. Mr. Cowie noted that the
31 Planning Commission guidelines indicate that a new Chair and Vice Chair are to be
32 elected from the body each year. The floor was opened for nominations.

33 Jim Peters nominated Gary Godfrey to serve as Chair of the Planning
34 Commission for 2009. There were no additional nominations. The vote was recorded as
35 follows;

36

37 COMMISSIONER BEAN AYE
38 COMMISSIONER CALL AYE
39 COMMISSIONER GODFREY AYE
40 COMMISSIONER JOHNSON AYE
41 COMMISSIONER MILLER AYE
42 COMMISSIONER PETERS AYE

43 COMMISSIONER GARY GODFREY WAS APPOINTED TO SERVE AS
44 PLANNING COMMISSION CHAIR FOR THE YEAR 2009 BY A UNANIMOUS
45 VOTE WITH ONE ABSENT.

46

2 Gary Godfrey nominated Matt Bean to serve as Planning Commission Vice Chair
for the year 2009. Jim Peters nominated Mark Johnson to service as Planning
4 Commission Vice Chair for the year 2009. A vote was called for the nomination of Matt
Bean. The vote was recorded as follows:

6 COMMISSIONER BEAN AYE
COMMISSIONER CALL AYE
8 COMMISSIONER GODFREY AYE
COMMISSIONER JOHNSON AYE
10 COMMISSIONER MILLER AYE
COMMISSIONER PETERS NAY

12 COMMISSIONER MATT BEAN WAS APPOINTED TO SERVE AS
14 PLANNING COMMISSION VICE CHAIR FOR THE YEAR 2009 BY A VOTE OF 5-1
WITH ONE ABSENT.

16 Mr. Cowie explained that Commissioner Bean will assume the duties of Chair at
any meeting not attended by Chairperson Godfrey. Chairperson Godfrey thanked
18 Commissioner Peters for his excellent service as Chair of Planning Commission during
the previous year.

- 20
- 22 3. **Work Session** – *Annual Planning Commission Training Session*. This is a review
of training materials for Planning Commissioners. Staff will present and discuss
24 various issues dealing with ethics, due process, impacts of recent land use court
decisions, or other topics to assist in educating the Planning Commission about
their duties and responsibilities.

26

28 Mr. Cowie explained that the Planning Commission guidelines call for an annual
training session to be held during the second meeting in February. He stated that due to
the small number of agenda items for this meeting, he felt that it would be appropriate to
30 hold the training session at this time.

32 Mr. Cowie reviewed three land use court rulings which were outlined a recent
national planning publication, all of which occurred in Utah municipalities. The first
case reviewed was regarding adult uses in the City of Roy. The court findings indicate
34 that municipalities have the authority to regulate the time, place, and manner of uses in
the municipalities, but do not have the authority to regulate free speech. The
36 Commission discussed regulation of signage. Mr. Cowie explained that some elements
of signage can be regulated, but that elements of signage which are part of a company
38 trademark can not be regulated. Mr. Cowie stated that he will review the City's Sexually
Oriented Business ordinance for compliance with this latest case law.

40 The Commission went on to review procedures regarding exactions. Mr. Cowie
explained that any exaction must have a nexus with the development and the ground
42 being exacted for facilities such as streets improvements, and that the exaction must be
roughly proportional to the impact of the development.

44 **NEW BUSINESS** – Reports by Commissioners

2 Commissioner Call reported on the Certified Citizen Planner Seminar hosted by
the Utah Local Governments Trust which she recently attended. She observed that the
4 training has helped to better understand the planning process, and has also given her an
appreciation for the City planning staff and the job they do.

6 Commissioner Godfrey inquired as to the status of the door to door sales
ordinance which was under review. Mr. Cowie stated that the City Attorney is working
on a draft of the ordinance.

8
PLANNING DIRECTOR'S REPORT –

10 Mr. Cowie reported on the following items:

- 12 1. He noted that new development projects have slowed somewhat due to the
14 economy, and the City is taking the opportunity to review and amend various
ordinances which do not meet current standards or practices. The Commission
will review ordinance amendments in future meetings over the coming months.
- 16 2. Commissioner Miller's term will end following the second meeting in January.
18 He has submitted a letter to the City indicating that he is resigning his
appointment as a Commissioner. Commissioner Miller stated that he feels it
20 would be appropriate to give another resident an opportunity to serve in this
position.
- 22 3. The Board of Adjustments will hear the Golden Years Elderly Group Application
for a second review. The Board will hold a de-novo hearing, which allows new
24 information to be presented by the applicant for consideration. The Board will
have the authority to approve or deny the application based on the information
26 and evidence presented by the applicant. Mr. Cowie noted that the Group Homes
ordinance is currently under review, and that any new applications will be subject
to the requirements of the new ordinance.
- 28 4. Tim Clyde applied for a zone change for his residential property located on 400
30 North. The zone change was denied, but Mr. Clyde continued to use the
residential property to access his adjacent commercial property. The City has
32 pursued enforcement of ordinance restrictions which do not allow commercial use
of residential properties. Mr. Clyde's legal counsel appeared before Judge
34 Bullock and argued that the City's ordinance does not specifically prohibit the
current use, and that Mr. Clyde should be permitted to continue to use the
36 residential property to access the commercial property. Judge Bullock has not
ruled on the case at this time. The Commission noted that the current use
38 effectively constitutes a double frontage for the commercial lot, which is not
permitted.
- 40 5. Construction of the aquatics center is on schedule for the scheduled opening for
Memorial Day of 2009.
- 42 6. Mr. Cowie asked Commissioners if it would be feasible to move meeting to
Tuesday or Thursday nights. Following some discussion, it appeared that the
majority of Commissioners could accommodate a Tuesday night schedule.
- 44 7. The Commission requested feedback from Councilmember Bayless regarding the
recent concept review the Elderly Group Home in the Creekside Village

2 retirement community. Councilmember Bayless stated that the Council shares
many of the concerns brought up by the Planning Commission.
4 8. Commissioner Johnson inquired as to the status of the budget for the aquatics
center, particularly in relation to the FlowRider. Mr. Cowie explained that
6 separate funding to allow completion of the FlowRider has been secured through
Hogan and Associates. The City is also pursuing corporate sponsorships of the
FlowRider to offset the cost.

8

ADJOURN –

10

12 COMMISSIONER JOHNSON MOVED TO ADJOURN THE MEETING AT
10:25 P.M. COMMISSIONER PETERS SECONDED THE MOTION. ALL PRESENT
VOTED IN FAVOR. THE MOTION CARRIED.

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Approved – January 28, 2009

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Gary Godfrey, Chairperson

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Adam Cowie, Planning Director