

2 The Lindon City Planning Commission held a regularly scheduled meeting on  
3 **Wednesday, July 8, 2009**, beginning at 7:00 p.m. in the Lindon City Center, City  
4 Council Chambers, 100 North State Street, Lindon, Utah.

5 Conducting: Gary Godfrey, Chairperson

6 Invocation: Matt Bean

7 Pledge of Allegiance: Gary Godfrey

8 **PRESENT**

**ABSENT**

10 Gary Godfrey, Chairperson

11 Ron Anderson, Commissioner

12 Matt Bean, Commissioner

13 Christian Burton, Commissioner

14 Sharon Call, Commissioner

15 Mark Johnson, Commissioner

16 Adam Cowie, Planning Director

17 Debra Cullimore, City Recorder

19 The meeting was called to order at 7:00 p.m.

21 **APPROVAL OF MINUTES** – The minutes of the meeting of June 24, 2009 were  
22 reviewed.

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25 COMMISSIONER JOHNSON MOVED TO APPROVE THE MINUTES OF  
26 THE MEETING OF JUNE 24, 2009. COMMISSIONER BURTON SECONDED THE  
27 MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

28 **PUBLIC COMMENT** –

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31 Chairperson Godfrey called for comments from any resident present who wished  
32 to address an issue not listed as an agenda item. Ben Thompson introduced himself to the  
33 Commission. Mr. Thompson stated that he no longer lives in the area, but was a Planner  
34 for Orem City in the past, and was raised in Lindon. Mr. Thompson was accompanied by  
35 his son, and stated that they were attending the meeting for his son to have the  
36 opportunity to learn what happens in a Planning Commission meeting. The Commission  
37 welcomed the Thompsons to the meeting.

38 **CURRENT BUSINESS** –

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41 1. **Conditional Use Permit** – *Peak Bottling – 28 South 1550 West*. This is a request  
42 by Sean Brown with ‘Peak Bottling’ for approval of a Conditional Use Permit.  
43 The applicant is proposing to operate a dietary, juice, and energy shot bottling  
44 company in the Light Industrial (LI) zone. The Lindon City Standard Land Use  
45 Table requires a general food manufacturing company that occupies over 2,000  
46 square feet to acquire a Conditional Use Permit in the LI zone.

2 Mr. Cowie explained that this application has been withdrawn by the applicant.  
No action is necessary at this time. The application may be resubmitted if a suitable  
4 location can be found for the business within the City.

- 6 2. **Public Hearing** – *Ordinance amendments – LCC Section 17.14 – Noticing.* This  
is a City initiated review of proposed changes to Lindon City’s ‘noticing’  
8 ordinance. These amended changes are proposed to bring our local ordinance into  
compliance with the newly amended ‘State Land Use Code.’ Recommendations  
10 from the Planning Commission will be forwarded to the City Council for final  
action.

12 Mr. Cowie explained that the minor wording changes proposed in LCC Section  
14 17.14 bring the City Code into compliance with recent changes to the State Code. He  
stated that new State law requires that notices be mailed to surrounding property owners  
16 ten days prior to subdivision plat and amendment applications being heard by the  
Planning Commission. Mr. Cowie noted that previous requirements included notices  
18 being mailed three days prior to the Planning Commission meeting. He stated that  
notices were typically mailed the Friday before the upcoming meeting, and that there  
20 have been several complaints that notices were not received in a timely manner. Mr.  
Cowie noted that in order to be consistent with noticing, all mailed notices for any action  
22 by the Commission will now be mailed ten days prior to the Planning Commission  
meeting.

24 Mr. Cowie noted that additional revisions include a requirement for a Public  
Meeting rather than a Public Hearing to consider subdivision plat amendments. He  
26 explained that the Commission would not be required to take public comment regarding  
plat amendments, but only to consider the application in a Public Meeting.

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

32 Chairperson Godfrey called for public comment. There were no comments. The  
34 Commission discussed the benefit of the increased noticing time, as well as the benefit of  
keeping the noticing period consistent. Chairperson Godfrey called for further comments  
36 or discussion from the Commission. Hearing none, he called for a motion.

38 COMMISSIONER BEAN MOVED TO APPROVE ORDINANCE CHANGES  
TO LCC SECTION 17.14 – NOTICING AND RECOMMEND APPROVAL TO THE  
40 CITY COUNCIL. COMMISSIONER ANDERSON SECONDED THE MOTION. ALL  
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

- 42 3. **Public Hearing** – *Ordinance amendments – LCC Section 17.08.140.* This is a Cit  
44 initiated review of proposed changes to Lindon City Code Section 17.08.140 –  
City Council Review. These changes would clarify the appropriate timing to  
46 notify an applicant of the requirement to have an application reviewed by the City

2 Council. Recommendations from the Planning Commission will be forwarded to  
the City Council for final approval.

4 Chairperson Godfrey noted that the Public Hearing had remained open. Mr.  
Cowie explained that this ordinance amendment clarifies the ability of the City Council  
6 to call any land use application forward for review by the Council as the final land use  
authority. Proposed amendments require the City to notify the applicant that the  
8 application has been called forward to the City Council prior to review by the Planning  
Commission. He noted that the ten day noticing period will allow the City Council  
10 adequate time to review the Project Tracking List and call an item forward prior to  
Planning Commission review of the application.

12 Commissioner Call requested clarification on this ordinance amendment, and  
timing of Planning Commission and City Council review of land use applications. Mr.  
14 Cowie explained that for items that typically do not require City Council approval, this  
ordinance gives the City Council the authority to call an item forward as the final land  
16 use authority. Proposed amendments give the applicant notice that the City Council will  
make the final decision prior to the Planning Commission review of the application.

18 Chairperson Godfrey called for public comment. There were no comments. He  
called for further comments or discussion from the Commission. Hearing none, he called  
20 for a motion.

22 COMMISSIONER BEAN MOVED TO CLOSE THE PUBLIC HEARING.  
COMMISSIONER CALL SECONDED THE MOTION. ALL PRESENT VOTED IN  
24 FAVOR. THE MOTION CARRIED.

26 COMMISSIONER CALL MOVED TO APPROVE ORDINANCE CHANGES  
TO LCC SECTION 17.08.140 AND RECOMMEND APPROVAL TO THE CITY  
28 COUNCIL. COMMISSIONER BURTON SECONDED THE MOTION. ALL  
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

30 **NEW BUSINESS** – Reports by Commissioners

32 Chairperson Godfrey reported a potential problem with street signs on Canal  
34 Drive which was reported to him by a resident. Mr. Cowie will forward the report to the  
Public Works Department for follow-up.

36 **PLANNING DIRECTOR'S REPORT** –

38 Mr. Cowie reported on the following items:

- 40 1. The Board of Adjustments approved a variance to required frontage on a lot  
located in the Lindon Meadows subdivision.
- 42 2. The City will hold a Municipal Election November 3, 2009. The Mayor seat and  
two City Council seats are up for election. Candidates must file a declaration of  
44 candidacy by July 15<sup>th</sup> at 5:00 p.m.
- 46 3. The Commission was provided information regarding a proposed property tax  
increase being considered by the City Council. The Commission discussed the

2 proposed tax increase, noting the increased cost to provide expanded services  
such as full time fire and EMS services, as well as the impact of the aquatics  
4 center to the overall city budget. Commissioners were invited to attend Open  
Houses which will be held July 21<sup>st</sup> and August 11<sup>th</sup>, as well as the Truth in  
Taxation Public Hearing which will be held on August 18<sup>th</sup> during the regular  
6 City Council meeting.

8 Ben Thompson asked to make a comment at this time regarding amendments to  
LCC 17.08.140 regarding City Council authority to act as the final land use authority.  
Mr. Thompson expressed concern that allowing the City Council to review land use  
10 applications may 'politicize' decisions and actions which are not discretionary, and are  
governed by state and local ordinance. He noted that land use decisions are made on  
12 findings of fact, and that the City Council would not be able to find differently than the  
Planning Commission if the decisions were based on ordinance requirements. He  
14 suggested that any land use decisions which are called forward be considered in a public  
hearing by the City Council to show a compelling public interest in deciding the matter.  
16 Mr. Cowie will forward Mr. Thompson's comments to the City Council

4. Mr. Cowie reported that the Division of Environmental Quality did not fund the  
18 wetlands/storm drainage project on the west side of the City as had been  
anticipated. However, the City has applied for additional grant funding for the  
20 project in the amount \$500,000. If approved, the grant will fund in October 2009.

22 **ADJOURN** –

24 COMMISSIONER BEAN MOVED TO ADJOURN THE MEETING AT 7:55  
P.M. COMMISSIONER JOHNSON SECONDED THE MOTION. ALL PRESENT  
26 VOTED IN FAVOR. THE MOTION CARRIED.

28 Approved – July 22, 2009

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Gary Godfrey, Chairperson

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Adam Cowie, Planning Director