

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**
3 **August 23, 2011** beginning at 7:00 p.m. in the Lindon City Center, City Council
4 Chambers, 100 North State Street, Lindon, Utah.

5 Conducting: Matt Bean, Chairperson
6 Invocation: Sharon Call, Commissioner
7 Pledge of Allegiance: Del Ray Gunnell, Commissioner

8 **PRESENT**

ABSENT

9 Matt Bean, Chairperson
10 Ron Anderson, Commissioner
11 Sharon Call, Commissioner
12 Angie Neuwirth, Commissioner
13 Carolyn Lundberg, Commissioner
14 DelRay Gunnell, Commissioner
15 Adam Cowie, Planning Director
16 Woodworth Mataele, Planning Assistant
17 Kathryn Moosman, City Recorder

Chris Burton, Commissioner

18 The meeting was called to order at 7:05 p.m.

19 **APPROVAL OF MINUTES** – The minutes of the regular meeting of July 26, 2011 and
20 the minutes of the joint session held July 7, 2011 were reviewed.

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22 COMMISSIONER CALL MOVED TO APPROVE THE MINUTES OF THE
23 MEETING OF JULY 26, 2011 AND THE MINUTES OF THE JOINT SESSION OF
24 JULY 7, 2011 AS CORRECTED OR AMENDED. COMMISSIONER ANDERSON
25 SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION
26 CARRIED.

27 **PUBLIC COMMENT** –

28 Chairperson Bean called for comments from any audience member who wished to
29 address any issue not listed as an agenda item. There was no public comment.

30 **CURRENT BUSINESS** –

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39 1. **Conditional Use Permit** – *Ready Menu* – 7 South 1550 West #400 – This is a
40 request by Jacob Snedecor with Ready Menu, LLC for approval of a
41 Conditional Use Permit to operate a dry food blending and packaging business
42 in the LI (Light Industrial) zone. The current Lindon City Standard Land Use
43 Table requires any ‘general food manufacturing’ business over 2,000 sq/ft to
44 obtain an approved conditional use permit. The company would have six (6)
45 employees and will operate between the hours of 7 a.m. – 6 p.m.

2 Chairperson Bean invited the applicant forward. Jacob Snedecor
3 approached the Commission. Mr. Mataele opened the discussion by stating that the
4 applicant is proposing approval for a Conditional Use Permit for a dry food blending
5 and packaging business in the light industrial zone located west of the freeway. The
6 current Standard Land Use Table requires a general food manufacturing land use
7 occupying a space larger than 2,000 square feet to obtain a Conditional Use Permit
8 from the city. Similar businesses have come through in the past few years, but this
9 application is very straight forward. Mr. Mataele also noted that the applicant is
10 moving from Orem City, where they have been operating, and also noted that they
11 will have 6 employees and be in operation from 7 a.m. to 6 p.m. The applicant does
12 not feel their business will increase traffic, noise or pollution, or pose a nuisance that
13 would be a concern with this type of land use. He also noted that as a manufacturing
14 business there will not be too much public traffic coming through, and the parking
15 does not seem like it will be an issue. Mr. Mataele also noted that the applicant
16 provided additional layouts of the floor plan on the main and the second level. Mr.
Mataele asked the applicant if he had anything to add.

17 Mr. Snedecor commented that they did move from their Orem location
18 where they have been operating for a year as the owner of the company and 6 years
19 with another owner in the same facility. He noted that the two businesses are splitting
20 as they have grown too big now to occupy the building together. Commissioner Call
21 asked if their business is a food storage business. Mr. Snedecor confirmed that most
22 of it is used for food storage. Commissioner Lundberg inquired if what they are
23 looking to set up is an FDA approved clean room on the site. Mr. Snedecor
24 confirmed that it will be FDA approved and they would also like it to be USDA
25 approved as well; they are building it to the specs of USDA, and will start the process
26 within the next couple of months to get it operating and then incorporate the hiring
27 certification process. Commissioner Call asked if the reason for moving was to have
28 room for the business to grow. Mr. Snedecor also confirmed that. The applicant
29 stated that only wholesale customers come to the business, and they have been busy
30 with a couple of other customers. Commissioner Lundberg inquired how they would
31 handle the new business and advertising. Mr. Snedecor replied that they will use
32 radio advertising, billboards, word of mouth and sales representatives.

33 Mr. Mataele noted that the applicants have worked with Orem City
34 regarding the grease traps, floor drains etc., and the inspections have already been
35 performed on these items. Mr. Cowie, also pointed out that on any of the food
36 manufacturing facilities, sewer discharge is usually a big concern, but with this being
37 a dry packaging facility this should not be an issue. Mr. Cowie also noted that Orem
38 City requires an exterior grease trap or a separation unit where they can come and
39 inspect and take samples from a manhole, so those issues are handled through Orem
40 City.

41 Chairperson Bean commented that this Conditional Use Permit seems to be
42 pretty straightforward and then asked if there were any other questions or comments
43 at this time.
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2 COMMISSIONER NEUWIRTH MOVED TO APPROVE THE CONDITIONAL
3 USE PERMIT, READY MENU LLC. COMMISSIONER LUNDBERG SECONDED
4 THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

- 6 2. **Public Hearing** – *Ordinance Addition; LLC Section 17.38 “Bonds for
7 Completion of Improvements to Real Property”* – This is a City initiated
8 ordinance change to the Lindon City Code Section 17.38 ‘Bonds for Completion
9 of Improvements to Real Property’. Recommendations from the Planning
10 Commission will be made to the City Council for final approval.

12 COMMISSIONER ANDERSON MOVED TO OPEN THE PUBLIC HEARING.
13 COMMISSIONER CALL SECONDED THE MOTION. ALL PRESENT VOTED IN
14 FAVOR. THE MOTION CARRIED.

16 Mr. Cowie opened this discussion by explaining that both ordinances are
17 rough drafts for discussion and feedback for direction. He also noted that they began
18 back in 2009 to update these ordinances and then they were shelved because of other
19 issues, but are now trying to get these bonding ordinances updated. Mr. Cowie further
20 discussed that one of the primary reasons for looking at these bonding ordinances is
21 because 2 years ago the legislature passed a requirement stating that the City cannot have
22 bonds where they extend the warranty on the bond for more than 1 year, and the City
23 practice, as well as most cities, has been to have a 2 year warranty. Mr. Cowie went on
24 to say that with the current bond process on subdivisions or road improvements or where
25 they are putting in infrastructure, our current process requires that the developer bond
26 110% of the value of those improvements, which covers costs of those improvements,
27 plus 10% held for 2 years until the improvements are completed.

28 Mr. Cowie also noted some other things that need clarification are private vs.
29 public improvements. The way the current ordinance is written discusses bonds for
30 onsite improvements. He also stated that we may require an onsite bond but that does not
31 come up too often, but would like to keep that provision in the ordinance. Mr. Cowie
32 pointed out that this is for feedback and opinions from the Commission and then he will
33 take it to the City Council and receive more input. Mr. Cowie stated that currently the
34 public works department does not have any fees for inspections on developments; they
35 are included through the planning application, but with large developments it is not near
36 enough to cover the amount of time the public works staff is involved with. Mr. Cowie
37 noted that they have contemplated adding the administrative fee to the bond and a
38 percentage (example 2%) to cover the inspections and to map all of the utilities and put
39 into the GIS system, which is an item that has no fee included.

40 Commissioner Lundberg asked if this would be focused on anyone who needs
41 additional inspections, a private property owner, or if this just affects commercial. Mr.
42 Cowie replied that it is for any new public improvement, i.e., curb and gutter, street
43 lights, fire hydrants etc. anything that the City would have to take responsibility for. He
44 also noted that if it is just a building permit, the bond issue would not apply, and also
45 stated that it could apply to residential or non residential. Mr. Cowie further noted that
46 there was a fee study done 2 years ago and the City was comparatively low (60%) level
47 for fees. He also noted that \$2,000 covers all meetings and 4 engineering reviews and all

2 of the public works inspections, and if all of these costs are added up, the City is really
3 subsidizing almost all of the developments that occur, and the City should get to a point
4 to where we are at least breaking even. He further stated that in most cases the City
5 Council have set the fees to be comparative with other communities to at least cover
6 costs, however, with some of these applications the costs are astronomical, and when
7 other cities are not charging that it tends to be a black eye on the City, and it has been the
8 policy decision by the City Council to not do that. Commissioner Lundberg inquired if
9 from project to project there is such a wide variation, with intense involvement or light
10 involvement, has it been considered to allow a certain number of inspections as part of
11 that initial fee and if it goes beyond that they might accrue additional fees for inspection
12 or review. Mr. Cowie replied that this has been discussed and that the larger the bond the
13 more inspections they will have, and that will cover larger projects. He further noted that
14 regarding the inspection issue, it is hard to say because they vary so much, and the
15 inspectors may go back 50 different times to look at various items. Mr. Cowie stated that
16 there is a need to find ways to cover the City in a better fashion.

17 Commissioner Neuwirth stated that she felt the percentage is a better idea, so the
18 developer can plan on it. Commissioner Anderson asked if the 2% figure was a number
19 that was estimated. Mr. Cowie stated that Spanish Fork and Santaquin charge 4% of their
20 bond, which staff thought was a little high; this would help to cover the mapping services
21 and the public works inspections. Mr. Cowie commented that the City may be at a point
22 where we re-evaluate the land use fees, because the initial thought was to cover some of
23 the costs, because it currently does not; and when presented to the City Council most of
24 the fees were below what our costs are compared to the other cities. He also noted that
25 there are certainly other benefits to developments as they occur, with property and sales
26 tax and other issues that comes to fruition from that, even though the city is subsidizing,
27 we are reaping things down the road. Commissioner Anderson noted that it is a fine line
28 to walk and builders stay away from cities that have a high percentage. Mr. Cowie stated
29 that he will prepare a spreadsheet with a fee comparison of other cities.

30 Commissioner Neuwirth asked if there are ways the Council can negotiate or
31 waive the fees. Mr. Cowie replied that they can request that, and it has been looked at
32 with development agreements or specific projects, but it is not the norm. Mr. Cowie
33 commented on an item that the City Engineer wanted to run by the Commission, there are
34 some situations where there is a site improvement; everything would be an on-site
35 improvement except the street lights, so the City Engineer wanted to look at bonding for
36 street lights, which is something that hasn't been done in the past.

37 Mr. Cowie asked the Commission if there was any concern regarding this issue.
38 Commissioner Anderson asked if this would also be a one year bond. Mr. Cowie replied
39 that it would be worked in. He also gave an example of the Fellowship Bible Church;
40 they had a site plan for their new building and our requirements required they have street
41 lights on State Street but they did not need any other public improvements, they just
42 needed the bond for the street lights. The way the current ordinance is written it doesn't
43 necessarily allow the City to do, so we wanted to add that in as part of the city
44 infrastructure. He went on to say that the bond is for faulty materials etc. and the
45 warranty applies to the installation and improvement ends. The developer has one year
46 from the date the plat records to put the improvements in, and once everything is
inspected will start when it passes final inspection. Mr. Cowie noted that there has only

2 been one instance where it has gone past the year and we have had to close on a bond for
3 defaulting, and it almost went to litigation, and noted that it is not an easy thing even with
4 the bond in place to collect on the money. Some cities are in lawsuits because of that and
5 we don't want to get to that point and the bond is the mechanism to ensure it doesn't
6 happen.

7 Mr. Cowie then asked if there were any other questions. Commissioner Call
8 asked if the language is duplicated and if there is a reason for that. Mr. Cowie replied
9 that with the bond for on-site improvements, a lot of the section will come out to ensure
10 that the public improvements are done. He further noted that one section is for off-site
11 and one is for on-site improvements, he went on to clarify that on-site is private
12 improvements and off-site is for public improvements and there will be a definition
13 section to define this issue. The purpose of the additional language states that
14 workmanship isn't part of the City's responsibility, that is between a private owner and
15 their contractor or builder; if it passes inspection that is as far as the City goes on those
16 issues. He noted that this will be brought back in another month with more information.

17 COMMISSIONER NEUWIRTH MOVED TO CONTINUE THE ORDINANCE
18 ADDITION CHANGES TO LLC SECTION 17.38 "BONDS FOR COMPLETION OF
19 IMPROVEMENTS TO REAL PROPERTY". COMMISSIONER ANDERSON
20 SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION
21 CARRIED.

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- 23 3. **Public Hearing** – *Ordinance addition; LCC Section 17.32, 17.58, 17.66.020*
24 *'Subdivisions'* – This is a City initiated ordinance change to the Lindon City Code
25 Section 17.32 'Subdivisions – Special Requirements', 17.58 'Dedications of
26 Subdivisions', 17.66.020 'Subdivision recordation and approval required'.
27 Recommendations from the Planning Commission will be made to the City
28 Council for final approval.

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30 Mr. Cowie stated that there are several items in the subdivision ordinance that are
31 either absent or need to be updated to be in conformance as to what the City practice has
32 been over the years. The subdivision ordinance encompasses both residential and non
33 residential subdivisions. Commercial, industrial and residential all fall under the same
34 guidelines and it would be beneficial to try and separate them (commercial and
35 residential) as far as subdivision standards go. He went on to say there are so many
36 issues that come into play to make an attractive subdivision for homes that don't
37 necessarily apply to commercial subdivisions. Mr. Cowie asked the Commission how
38 they feel about park strips, street trees etc. in residential areas. He also noted that the
39 current street profile requires the sidewalk next to the curb and gutter. Commissioner
40 Anderson stated that maintenance would be hard to enforce without some kind of
41 ordinance. Chairperson Bean commented that we may want to consider zeroscaping
42 options like we have for commercial. Mr. Cowie commented that right now there are no
43 landscape requirements for residential in the City. Commissioner Call stated that for
44 beautification purposes this would have to be controlled somewhat by the city or an HOA
or it may be a nuisance.

2 Commissioner Neuwirth asked if there are any power line issues. Mr. Cowie
4 stated that there are underground power lines on new developments and usually those
6 utilities are behind the sidewalk, so with the park strip the sidewalk actually ends up
8 being on the homeowners property as an easement, and so the sidewalk is technically not
10 in the street right of way, and it pushes the sidewalk closer to the home and gives the
12 appearance that the 30 ft setback appears to be diminished, even though the curb is in the
14 same spot. He also noted that this issue is something to think about. Commissioner
16 Gunnell asked Mr. Cowie if the City would maintain the sidewalks when the trees mature
18 and buckle the sidewalks like what happened in the Canberra subdivision. Mr. Cowie
20 confirmed that they do, but also noted that Canberra was not an ideal situation, because
22 those park strips are very narrow. He also noted that the guidelines would be set for the
24 size of strip and the trees, probably every 4 or 5 feet, and the city will maintain them.
26 Commissioner Call stated that trees and greenery adds to the beautification and appeal of
the City as long as it is maintained. Mr. Cowie stated that this issue will be further
explored.

16 Mr. Cowie further discussed that fire hydrants need to be implemented before the
18 building permit being issued, and that they are not currently in the ordinance. He also
20 stated that the mid block trail connections to adjacent streets was written into the R3
22 overlay. He went on to say that the current ordinance is very methodical and we don't
24 have many opportunities for better design communication with the developers. He also
26 noted that subdivisions, which is essentially an administrative approval, has to go through
the Planning Commission and the City Council, which is great for developers and would
be a good opportunity, especially on the west side as we look at large tracts of
development to do some master planning and make sure we are not just piecing these in a
bit at a time with, so as to have a clear vision as how it will look. Commissioner
Neuwirth stated that having the trail connection between blocks is a good idea.

28 Mr. Cowie brought up to the Commission the traffic calming issues and the idea
30 of using roundabouts instead of 4-way intersections or adding it into the development
32 ordinance that says these options should be considered or other design items that may be
34 beneficial to the city. Right now there is not an exemption for government properties or
36 utility infrastructure, and this also needs to be written in. The ordinance does not include
approved condominiums plats or strictly addresses this issue, and this also needs to be
written into the ordinance. Mr. Cowie went on to say, regarding the master plan and the
development on the west side; we may have the opportunity to work with the developer
more instead of having cookie cutter guidelines where we could actually come up with a
better plan. Mr. Cowie also commented on the issue of open space, parks, trails, etc and
ideas on how we obtain and preserve it. He went on to say there have been ideas for
clustering or transfer of development rights, which is a difficult issue in Lindon because
of density requirements and lot sizes etc., and the question on how to preserve open space
is something to think about. He also noted that the general plan the Commission
forwarded to the City Council has not been finalized yet and it may take several months
to get through and we may want to hold off on these issues within the subdivision
ordinance until it is done because it may make a big difference in the direction that we
go. Chairperson Bean had a comment on the traffic calming issue; the roundabout on 4th
east that was removed, and noted that they might work well in the right circumstances,
but they can also pose a real problem. Commissioner Neuwirth stated the chokers on 8th

2 west work well, and that there are some nice roundabouts in Provo. Mr. Cowie noted that
it depends on the location and that is something to look at.

4 Mr. Cowie then asked the Commission if they feel what we are doing is working
well or if we need to make some changes. Chairperson Bean commented that a lot
pertains to the West side and feels that what Mr. Cowie is contemplating is good.

6 Commissioner Call stated that Lindon can keep open spaces and the bigger areas and still
do some things that are a little bit different and keep it the same kind of community that it
is. Commissioner Anderson noted that we need to explore these issues so we don't look
8 like every other town and feels it needs discussion. Mr. Cowie stated that we need to be
sure we are on track, and further noted to look at their documents and bring them back to
10 the next meeting, and once they are done he will take it to the City Council. Chairperson
12 Bean then asked for a motion to close the public hearing.

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

18 COMMISSIONER LUNDBERG MOVED TO CONTINUE THE ORDINANCE
ADDITION; LCC SECTION 17.32, 17.58, 17.66.020 'SUBDIVISIONS'.
20 COMMISSIONER NEUWIRTH SECONDED THE MOTION. ALL PRESENT
VOTED IN FAVOR. THE MOTION CARRIED.

22 **NEW BUSINESS** – Reports by Commissioners

24 Chairperson Bean asked if there were any reports from the Commission.
26 Commissioner Neuwirth wanted to thank the City Council for their work and
dedication to the City and she feels that property tax played a part in that and that the
28 City is well managed. She also noted that Lindon is in the top 100 for best Cities in
Money Magazine. Chairperson noted that it is great to be one of five Utah cities
30 included on this list and it is a prestigious honor.

32 Chairperson Bean then asked if there were any other new business. Being
none he moved on to the next item.

34 **PLANNING DIRECTOR'S REPORT** –

36 Mr. Cowie reported on the project tracking list and to be aware that there is an
application for a new building (Serve-Pro) in the industrial zone at approximately 240
38 North off of Geneva Road. They had a 2 phase development plan approved several
years ago and will now be doing the 2nd building. He further noted that this does not
40 have to come the the Planning Commission because it is an amended site plan, so it
meets all of the ordinance standards.

42 Mr. Cowie also reported on City Council updates as follows:

- 44
- Employees summer party is on the 25th from 5-9 with a light dinner.
 - Lindon Days was successful and had no major problems or concerns.

- 2 • Creekside Retirement Plat Amendment has requested a continuation and has not been to City Council and will be carried on to the next meeting.
- 4 • Climate Controlled Storage - The City Council heard this issue and there were varied reactions. Probably a 50/50 split with concerns with the use and development of the property.
- 6 • Meet the Candidate Night had a good attendance.

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10 Mr. Cowie then asked if there were any further questions or comments.
12 Commissioner Lundberg questioned what the Master plan shows on the cross over at the canal on Center Street and when and if that will happen. Mr. Cowie stated that it is on the Master Plan to cross, and within the next year the canal project will be piped and after that they will begin with the trail. He further noted that this is a bigger issue than what it appears, and it is also a bigger budget item, but feels it is still a couple of years out.

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16 Chairperson Bean asked if there was any other new business. Being none he called for a motion to adjourn.

18 **ADJOURN** –

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22 COMMISSIONER NEUWIRTH MOVED TO ADJOURN THE MEETING
24 AT 8:25 P.M. COMMISSIONER LUNDBERG SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

26 Approved – September 27, 2011

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Matt Bean, Chairperson

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Adam Cowie, Planning Director