

2 The Lindon City Planning Commission held a regularly scheduled meeting on Tuesday,  
3 **January 12, 2010** beginning at 7:00 p.m. in the Lindon City Center, City Council  
4 Chambers, 100 North State Street, Lindon, Utah.

5 Conducting: Gary Godfrey, Chairperson

6 Invocation: Ron Anderson

7 Pledge of Allegiance: Gary Godfrey

8 **PRESENT**

9 **ABSENT**

10 Gary Godfrey, Chairperson

10 Debra Cullimore, City Recorder

11 Ron Anderson, Commissioner

11 Woodworth Mataele, Assistant Planner

12 Matt Bean, Commissioner

13 Christian Burton, Commissioner

14 Sharon Call, Commissioner

15 Mark Johnson, Commissioner

16 Angela Neuwirth, Commissioner

17 Adam Cowie, Planning Director

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

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21 **APPROVAL OF MINUTES** – The minutes of the meeting of December 8, 2009 were  
22 reviewed.

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24 COMMISSIONER CALL MOVED TO APPROVE THE MINUTES OF THE  
25 MEETING OF DECEMBER 8, 2009. COMMISSIONER JOHNSON SECONDED THE  
26 MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

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28 **PUBLIC COMMENT** -

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

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33 **CURRENT BUSINESS** –

- 34  
35 1. **Review and Action** – *Preliminary Subdivision Approval Extension – Highlands*  
36 *at Bald Mountain – 650 East 700 North.* This is a request by Chad Clifford of  
37 Black Scot Development for a 12-month extension of the preliminary approval of  
38 the Highlands at Bald Mountain subdivision plat. LCC 17.12.210 allows for an  
39 applicant to request up to a 12 month extension on a preliminary approval. The  
40 current preliminary approval expires in February 2010. No changes to the  
41 preliminary approval are being proposed.

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43 Mr. Cowie explained that applicant, Chad Clifford of Black Scot Development,  
44 currently lives in California, and made this request by email. Mr. Cowie reviewed the  
45 layout of the existing plat, including the existing FEMA flood plain which traverses  
46

2 several lots. A phased development was approved to allow development of the affected  
4 lots as a plat 'b' when flood plain issues are resolved. The Salt Lake Aqueduct easement  
6 also affects the development, and the developer is still working with the aqueduct  
company to resolve relevant issues. Mr. Cowie noted that the City obtained corridor  
preservation funds through MAG to purchase the future 1200 North right-of-way which  
runs along the border of this development.

8 Mr. Cowie stated that given the current economy, staff has no concerns with  
10 approving the requested preliminary plat extension. He noted that the extension does not  
require approval from the City Council. If approved, the final plat must be approved by  
staff and recorded no later than February 2011. Once recorded, the applicant has one year  
to complete construction of the project.

12 Commissioner Anderson felt that the extension request was reasonable given the  
14 fact that no changes to the plat are proposed. Chairperson Godfrey called for further  
comments or discussion. Hearing none, he called for a motion.

16 COMMISSIONER ANDERSON MOVED TO APPROVE THE REQUEST FOR  
18 A 12 MONTH EXTENSION OF THE PRELIMINARY PLAT APPROVAL OF THE  
HIGHLANDS AT BALD MOUNTAIN SUBDIVISION. COMMISSIONER BURTON  
20 SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION  
CARRIED.

- 22 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 2010  
calendar year. Nominations will be made by Commission members and a vote for  
26 the nominations will occur. The newly elected Chair and Vice Chair will begin  
service at the January 26, 2010 meeting and serve for a term of one year.

28 COMMISSIONER ANDERSON MOVED TO REAPPOINT GARY GODFREY  
AS PLANNING COMMISSION CHAIR, AND REAPPOINT MATT BEAN AS  
30 PLANNING COMMISSION VICE CHAIR FOR CALENDAR YEAR 2010.

32 Commissioner Anderson explained that he feels that Chairperson Godfrey and  
34 Commissioner Bean have done an excellent job in their current positions, and that two  
years is a reasonable time to serve in the position. Chairperson Godfrey and  
Commissioner Bean expressed willingness to continue to serve in their current positions.  
36 Following discussion, the Commission agreed that Chairperson Godfrey and  
Commissioner Bean should continue to serve in their positions for the 2010 calendar  
38 year.

40 COMMISSIONER BURTON SECONDED THE MOTION. ALL PRESENT  
VOTED IN FAVOR. THE MOTION CARRIED.

- 42 3. **Continued Public Hearing** – *Ordinance Changes to LCC 17.12, 17.19 and New*  
44 *Section LCC 17.17*. This item was continued from the December 8, 2009  
Planning Commission meeting. It is a City initiated review of the “Document  
46 Submission and Review” ordinance from section LCC 17.12, LCC 17.19 and a

2 new section titled "Site Plan Development" being numbered as LCC 17.17. Of  
specific review will be the new sections of LCC 17.17 regulating when an  
4 amended site plan needs to come into conformance with current city standards.  
Recommendations from the Planning Commission will be forwarded to the City  
6 Council.

8 COMMISSIONER JOHNSON MOVED TO OPEN THE PUBLIC HEARING.  
COMMISSIONER NEUWIRTH SECONDED THE MOTION. ALL PRESENT  
VOTED IN FAVOR. THE MOTION CARRIED.

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12 Mr. Cowie noted that the Commission has reviewed these proposed ordinance  
changes on several previous occasions. He explained that site plan submittal  
14 requirements were included in other sections, and that proposed changes create LCC  
17.17 which is specific to site plan submittals.

16 Mr. Cowie reviewed changes to Section 17.12.210, titled Land Use Approval  
Expirations. Proposed changes include expirations for subdivision preliminary and final  
18 plats, plat amendments, conditional use permits, site plans, alteration of non-conforming  
uses, property line adjustments, variances and temporary site plans.

20 Commissioner Neuwirth noted that the requirements for conditional use permits  
should include a note that conditional uses are subject to revocation at the discretion of  
22 the City if the conditions placed on the use are not complied with, or if complaints  
regarding the use go unresolved.

24 Chairperson Godfrey requested clarification regarding the requirement that an  
application for an extension to an expiration deadline be received within 30 days of the  
expiration. Mr. Cowie explained that staff and the City Engineer felt that a window of  
26 time not to exceed 30 days after the expiration date would allow reasonable time to  
process the request. The Commission felt that the ordinance should specify no later 30  
28 days following the expiration date in order to clarify that the request does not have to be  
received prior to the expiration.

30 Mr. Cowie noted that proposed language specifies that "In no event shall approval  
of any land use action be extended for a combined total period greater than 12 months."  
32 He explained that current requirements can extend completion of a development up to six  
years, and that development requirements and standards can change significantly during  
34 that time period. Reducing the maximum extension period will allow the City to assure  
that developments are built in compliance with current standards. He clarified that the 12  
36 month extension period could be split between preliminary and final plat approvals as  
needed. The Commission suggested wording changes which would clarify that  
38 extensions may be requested in increments less than 12 months, but no more than 12  
months total extension.

40 Commissioner Anderson expressed concern that the reduction of the extension  
period may be problematic given the current economic and development climate. He  
42 inquired as to whether it may be possible to do a review on an expired approval to  
determine whether development standards have changed. If new standards had been  
44 implemented by the City, the developer would then be required to submit a new  
application. Commissioner Call felt that even though there may be some expense  
46 involved in submitting a new application, it would allow the City to review the

2 application and assure that the development complies with current development  
standards. Mr. Cowie noted that development application fees do not cover the City's  
4 costs for services associated with the development. He explained that further extensions  
can increase the City's costs further. He observed that the proposed ordinance allows  
6 three and a half years from the time of preliminary plat approval to completion, which  
would be adequate time in most situations to complete a development project.

8 The Commission went on to review Section 17.17. Mr. Cowie reviewed specific  
changes since the last review of the ordinance. Chairperson Godfrey expressed concern  
10 regarding terms in the ordinance such as "minor alterations or deviations" which could be  
subject to interpretation. Mr. Cowie explained that City staff routinely makes minor  
12 changes to approved plans, such as the location of an ADA ramp, landscaping details,  
sidewalk location, etc. Minor changes approved by staff are reviewed and discussed by  
14 Planning Department staff, Public Works Inspectors, and the City Engineer. Any  
alterations are required to comply with ordinance standards. Commissioner Bean felt that  
16 allowing some discretion for the Planning Commission and the Planning Department is  
reasonable within limits. Mr. Cowie noted that the variety of issues that are addressed  
18 are so widely varied that it would be very difficult to write an ordinance to address every  
situation. Chairperson Godfrey suggested the addition of language which clarifies that  
any alterations approved by staff must meet the requirements of the code.

20 Mr. Cowie went on to review proposed requirements for phased developments.  
Proposed language requires each subsequent phase to be completed within 24 months of  
22 the previous phase, with a maximum of six years for completion of the entire project.  
Commissioner Call noted that in previous discussion, it was noted that allowing six years  
24 for completion of subdivisions may result in completion of projects which are not in  
compliance with current standards. She inquired as to why staff felt that six years was an  
26 appropriate time frame for phased developments. Commissioner Bean noted that phased  
developments typically occur in commercial zones rather than residential zones, and that  
28 standards for the two zones are different. Mr. Cowie explained that phased development  
typically involves surface improvements rather than infrastructure improvements. He  
30 noted that major portions of the development would be completed in the first phases.

32 Chairperson Godfrey suggested that it may be appropriate to allow an 18 month  
time period for each phase, for a total of four and a half years. Mr. Cowie felt that an 18  
34 month phase requirement would be reasonable. He noted that large commercial  
developments which may occur along 700 North may take a significant amount of time to  
complete.

36 The Commission went on to review proposed changes to 17.17.130, amended site  
plans. He reviewed the percentage formula for triggering compliance with current  
38 standards as discussed during previous review of this ordinance. New language would  
permit changes between 0% and 9% to be approved by the Planning Director if the  
40 alteration meets current City codes and is determined to have no substantial impact on the  
site or surrounding properties.

42 Mr. Cowie reviewed situations which would require an amended site plan,  
including change in use, new buildings or structure, or exterior changes to the dimensions  
44 of an existing building. The Commission discussed the percentage based formula which  
phases compliance with current standards. Commissioner Anderson noted that the  
46 proposed percentage formula is measurable and enforceable. Commissioner Call

inquired as to what percentage requires approval from the Planning Commission. Mr. Cowie explained that any changes over 9% require review and approval from the Planning Commission. Changes under 10% may be approved by the Planning Director, but may be referred to the Planning Commission if the Planning Director feels the changes constitute a substantial impact to the site or surrounding properties.

The Commission went on to discuss temporary site plan requirements. Chairperson Godfrey asked if it would be appropriate to require temporary site plans to comply with architectural guidelines. He noted that temporary site plans can be valid for up to six months, and that the appearance may impact the aesthetics of commercial areas. He felt that the integrity of permanent businesses should be protected from harm by temporary uses which may degrade the quality of the commercial areas. Commissioner Burton agreed with the concerns expressed by Chairperson Godfrey. Commissioner Bean felt that owners of commercial property who would rent space to seasonal uses would likely police themselves to a point to avoid negative impacts to their businesses.

Chairperson Godfrey called for public comment. Councilmember Bayless was in audience. She agreed that some temporary uses are less desirable, but felt that it would be difficult to differentiate between permitted uses.

Chairperson Godfrey noted that some fruit stand type uses could be considered permanent uses, even though they choose not to open during the winter months. The Commission discussed the possibility of limiting uses which would be allowed to have a temporary site plan, or imposing requirements which would make temporary uses more compatible with permanent uses. Mr. Cowie suggested the possibility of regulating agricultural stands separately from other temporary uses, allowing a shorter time period for uses other than agricultural to minimize impacts on permanent businesses. He noted that temporary uses must be permitted uses in the zone, which provides some protection from inappropriate uses.

Chairperson Godfrey suggested that in the absence of any clear direction, that this item be continued for further review. The Commission suggested that Mr. Cowie review ordinances from larger municipalities to see how relevant issues have been addressed in those cities. He called for further comments or discussion from the Commission. Hearing none, he called for a motion to continue.

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

COMMISSIONER BEAN MOVED TO CONTINUE ORDINANCE CHANGES TO LCC 17.12 'DOCUMENT SUBMISSION AND REVIEW', LCC 17.17 'SITE PLAN DEVELOPMENT', AND 17.19 'LAND USE FEE SCHEDULE.' COMMISSIONER JOHNSON SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

**NEW BUSINESS** – Reports by Commissioners

Commissioner Anderson inquired as to the status of the Candlelight Media development project. He stated that the applicant had contacted him personally regarding

2 slight modifications to the site plan which have caused some disputes between the  
3 applicant and the contractor. Commissioner Anderson directed the developer to discuss  
4 the issues with City staff. Staff has informed the applicant that the City is not in a  
5 position to resolve the dispute, and she should deal directly with the contractor.

6 **PLANNING DIRECTOR'S REPORT** –

8 Mr. Cowie reported on the following items:

- 9 1. New City officials were sworn into office on January 5, 2010.
- 10 2. During the City Council discussion of the Concept Review for the Creekside  
11 retirement development, the City Council indicated that they were not inclined  
12 to approve a change in the development agreement to allow sales as single  
13 family homes. Councilmember Bayless explained that the main concern of  
14 the Council was traffic flow issues related to the approved street cross sections  
15 if traffic flow increased due to single family homes as opposed to a retirement  
16 community. The Commission discussed elements of the development  
17 agreement regarding private streets, off street parking and street cross  
18 sections, and the reasoning behind the concessions the City Council made  
19 during negotiations with Fieldstone Homes.
- 20 3. Declarations of Conflicts of Interest are to be submitted as soon as possible.
- 21 4. Commissioner Call requested that Commissioners be provided with a City  
22 email address for City business. Mr. Cowie will coordinate to get the email  
23 addresses set up.
- 24 5. Commissioner Burton inquired as to proper procedure if an applicant contacts  
25 them directly regarding a pending or approved application. Mr. Cowie stated  
26 that it would be appropriate to direct them to communicate with staff. He also  
27 noted that issues regarding applications should be discussed in public  
28 meetings rather than individually to avoid any appearance of impropriety.

30 **ADJOURN** –

32 COMMISSIONER NEUWIRTH MOVED TO ADJOURN THE MEETING AT  
33 9:05 P.M. COMMISSIONER CALL SECONDED THE MOTION. ALL PRESENT  
34 VOTED IN FAVOR. THE MOTION CARRIED.

36 Approved – January 26, 2010

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41 Gary Godfrey, Chairperson

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46 Adam Cowie, Planning Director