

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**
3 **January 26, 2010** in the Lindon City Center, City Council Chambers, 100 North State
4 Street, Lindon, Utah.

5 Conducting: Gary Godfrey, Chairperson
6 Invocation: Angie Neuwirth
7 Pledge of Allegiance: Sharon Call

8 **PRESENT**

ABSENT

9 Gary Godfrey, Chairperson
10 Ron Anderson, Commissioner
11 Matt Bean, Commissioner
12 Sharon Call, Commissioner
13 Angela Neuwirth, Commissioner
14 Adam Cowie, Planning Director
15 Woodworth Mataele, Assistant Planner
16 Debra Cullimore, City Recorder

Christian Burton, Commissioner
Mark Johnson, Commissioner

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

18 **APPROVAL OF MINUTES** – The minutes of the meeting of January 12, 2010 were
19 reviewed.

20 COMMISSIONER CALL MOVED TO APPROVE THE MINUTES OF THE
21 MEETING OF JANUARY 12, 2010. COMMISSIONER NEUWIRTH SECONDED
22 THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

23 **PUBLIC COMMENT** –

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

26 **CURRENT BUSINESS** –

- 27 1. **Public Hearing** – *Major Subdivision – Pear Tree Estates – 100 West 600 North.*
28 This is a request by Shirl Tomlinson, representing Huggard Development LLC,
29 for approval of an 8-lot major subdivision titled ‘Pear Tree Estates’ located in the
30 R1-20 zone. The existing Huggard home on Locust Avenue will remain as Lot 1,
31 with 7 new lots to be created that will access 600 North. Each lot will meet the
32 20,000 square foot minimum lot size required in this zone. Recommendations
33 from the Planning Commission will be forwarded to the City Council for final
34 action.

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

5 *Commissioner Anderson disclosed that a member of his family is interested in
6 purchasing a lot in this subdivision, but that he has no financial involvement in the
7 project, and no personal conflict of interest relative to this application.

8
9 Victor Hansen, Engineer project engineer, was present as the representative for
10 this application. Mr. Mataele stated this is an application by Shirl Tomlinson for an 8 lot
11 major subdivision in the R1-20 zone. The existing Huggard home is located on lot #1 of
12 the proposed subdivision, with seven new lots being created. Each of the lots meets the
13 minimum square footage and frontage requirements for the zone.

14 Mr. Mataele presented photographs of the site. He noted that the applicant will
15 complete all required infrastructure improvements associated with the development. In
16 addition to typical requirements, an existing active irrigation ditch on the east side of the
17 property will be enclosed.

18 Mr. Mataele noted that the existing Cook home, located on the corner of 600
19 North and Locust Avenue, is not part of the proposed subdivision. However, the
20 applicant will complete curb, gutter and sidewalk improvements along the frontage of the
21 Cook home. Mr. Tomlinson has requested City participation in the cost of off-site
22 improvements in front of the Cook home which are not directly associated with the
23 subdivision application.

24 Mr. Hansen explained that Mr. Tomlinson is fulfilling his obligation as executor
25 of the Huggard Trust, which currently owns the property. Upon sale of the lots, proceeds
26 will be donated to an undisclosed charity organization. He also noted that the irrigation
27 company has approved the piping the irrigation ditch.

28 Commissioner Neuwirth inquired as to potential flooding concerns if only this
29 section of ditch is piped. Mr. Hansen explained that the newly piped section will tie into
30 existing pipe. He stated that the existing head gate will be abandoned.

31 Commissioner Call asked if improvements would be completed in front of the
32 Huggard home, which is included in the subdivision. Mr. Hansen stated that
33 improvements will be completed in front of the Huggard home, as well as the Cook
34 home. He reiterated that the applicant is requesting City participation in completing the
35 off site improvements in front of the Cook home.

36 Commissioner Anderson asked if any additional dedication would be required to
37 complete street and curb, gutter and sidewalk improvements in front of the Cook home.
38 Mr. Hansen stated that a small sliver of property may be necessary to maintain the street
39 radius, but significant property acquisition will not be necessary. Chairperson Godfrey
40 asked if the Cooks approve of having improvements completed in front of their home.
41 Mr. Hansen stated that he has not personally spoken with the Cooks, but that Mr.
42 Tomlinson has indicated that they have no objections to completion of improvements.

43 Chairperson Godfrey inquired as to the street width of 600 North and the frontage
44 of lot #1. Mr. Cowie stated that the street is a 50 foot width, and the frontage of lot #1 is
151 feet.

2 Commissioner Neuwirth inquired as to the cul-de-sac road configuration shown
on the property to the north. Mr. Cowie stated that the cul-de-sac was approved as part of
4 a previous development, and will be completed in the future as surrounding property
develops.

6 Mr. Mataele noted that the developer is installing fencing along the Cook
property, although it is not a requirement of the development. Mr. Hansen observed that
8 Mr. Tomlinson is being very proactive in addressing any concerns of neighboring
property owners. Commissioner Call asked if Mr. Tomlinson plans to sell lots only, or if
10 he will be developing the homes. Mr. Hansen stated that Mr. Tomlinson will sell the
developed lots individually, but does not expect to be involved in the home building.

12 Chairperson Godfrey called for public comment regarding this application.
Neighboring property owner Rock Steele stated that the existing irrigation ditch runs
14 along the property line between this development and his property. He requested
clarification regarding the impact to his property from the 20 foot irrigation ditch
16 easement and piping project. Mr. Hansen stated that the ditch is located on the
subdivision property, and should not have any impact on the Steele property. He stated
18 that the new fence will be installed in the same location as the existing fence. He noted
that there is an existing 10 foot utility easement on the Steele property which will remain
in place, but that there will be no additional impacts due to the piping project.

20 Chairperson Godfrey asked Mr. Steele if he had any additional concerns regarding
this development. Mr. Steele stated that he is not concerned about any negative impacts,
22 and that he is comfortable with the development.

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

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28 COMMISSIONER NEUWIRTH MOVED TO APPROVE THE PEAR TREE
ESTATES MAJOR SUBDIVISION PRELIMINARY PLAT AND RECOMMEND
APPROVAL TO THE CITY COUNCIL. COMMISSIONER BEAN SECONDED THE
30 MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

- 32 2. **Continued Public Hearing** – *Ordinance changes to LCC 17.12, LCC 17.19 and*
34 *the new section LCC 17.17.* This item was continued from the January 12, 2010
36 Planning Commission meeting. It is a City initiated review of the “Document
Submission and Review” ordinance from sections LCC 17.12, LCC 17.19 and a
38 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
40 amended site plan needs to come into conformance with current city standards.
Recommendations from the Planning Commission will be forwarded to the City
Council for final action.

42 Mr. Cowie reviewed language clarifications which have been included in
revisions to 17.17 based on the previous Planning Commission discussion. He noted that
44 a change in use which would trigger site compliance would be based on a broader range
of land use intensity rather than uses as listed in the Standard Land Use Table. Specific
46 references to Commercial Design Guidelines have also been included in revisions.

2 Mr. Cowie went on to review findings of research he conducted regarding
temporary site plan ordinances in other communities. He stated that current ordinance
4 requirements in Lindon provide a six month time frame for approved temporary site
plans. He noted that most other jurisdictions allow a more limited scope of permitted
6 uses for temporary site plans, and that time limits vary depending on the use. For
example, agricultural uses may be permitted a temporary site plan from June to October,
8 with a Christmas Tree lot receiving approval for 45 days, and itinerant merchants being
approved for a ten day period. Extensions can be approved for uses such as mobile
10 construction offices or specific special events. He noted that regulating each individual
use could create compliance issues, and suggested that a minimum number of categories
be established to simplify enforcement of requirements.

12 Commissioner Neuwirth inquired as to specific regulations for agricultural or
horticultural sales from residential homes. Chairperson Godfrey suggested an exception
14 for agricultural sales grown on site in residential zones. He noted that the intent of the
exception would not be to allow a commercial business in a residential zone, but would
16 allow activities such as seasonal pumpkin or fruit sales from family farms or orchards.
Commissioner Bean suggested that such sales could be handled similarly to garage sales
18 in residential zones.

Chairperson Godfrey called for public comment. There was no public comment.

20 Commissioner Bean inquired as to regulation of existing structures which are
used as seasonal produce stands but remain in place year round. He felt that structures
22 for seasonal uses should be removed when not in use. He noted that they do not meet
building code standards for permanent structures. Mr. Cowie stated that he will add
24 language to address this concern, such as a requirement to remove temporary site plan
structures at the end of the approved time period.

26 The Commission went on to review proposed amendments to 17.12. Language
was added clarifying that Conditional Use Permits are reviewable upon complaint.
28 Additional clarification was made regarding submittal of extension applications to be
submitted no later than 30 days after the expiration date of the original approval.

30 Chairperson Godfrey inquired as to whether the Commission felt comfortable
forwarding Sections 17.12 and 17.19 to the City Council. Following discussion, the
32 Commission felt that 17.12 and 17.19 could be forwarded to the City Council for review,
but that the Commission should review additional amendments to 17.17 before
34 forwarding that section. Chairperson Godfrey called for a motion.

36 COMMISSIONER CALL MOVED TO CLOSE THE PUBLIC HEARING.
COMMISSIONER NEUWIRTH SECONDED THE MOTION. ALL PRESENT
38 VOTED IN FAVOR. THE MOTION CARRIED.

40 COMMISSIONER ANDERSON MOVED TO APPROVE ORDINANCE
AMENDMENTS TO LCC SECTION 17.12, DOCUMENT SUBMISSION AND
42 REVIEW, AND 17.19, LAND USE FEE SCHEDULE, AND RECOMMEND
APPROVAL TO THE CITY COUNCIL. COMMISSIONER NEUWIRTH SECONDED
44 THE MOTION. ALL PRESENT VOTED IN FAVOR.

2 COMMISSIONER NEUWIRTH MOVED TO CONTINUE ORDINANCE
AMENDMENTS TO LCC SECTION 17.17, SITE PLAN DEVELOPMENT.
4 COMMISSIONER CALL SECONDED THE MOTION. ALL PRESENT VOTED IN
FAVOR. THE MOTION CARRIED.

6 **NEW BUSINESS** – Reports by Commissioners

8 Commissioner Neuwirth reported that she observed a garbage truck backing down
450 North collecting recycling materials. She inquired as to whether this was normal
10 procedure. Mr. Cowie stated that there is not an existing turn around or cul-de-sac on
that street, but that a through street will be completed as part of the LDS Church
development in the area. All improvements are expected to be completed by July 2010.

12 Commissioner Call noted that she read about a presentation done for the City
Council regarding curbside recycling. She requested that the Planning Commission be
14 given the same presentation, which was done by Mr. Cowie and others as part of an
economics course in the Master's of Public Administration program at Brigham Young
16 University. Mr. Cowie briefly reviewed information from the presentation, which
compared recycling programs in a number of communities, including fees, participation
18 rates, opt-in, opt-out and mandatory recycling programs.

20 Commissioner Anderson requested that the Commission have a presentation
regarding information found on the City website. Mr. Cowie will include the
presentation on the agenda for a future meeting.

22 Commissioner Anderson inquired as to the status of street lights which have not
yet been installed near the Creekside Meadows subdivision. Mr. Cowie stated that the
24 City is negotiating an agreement with Fieldstone Homes regarding street lights
installation. He clarified that the lights will be installed as a City project, with the first
26 priority being the corner of 1700 West and 700 North.

28 **PLANNING DIRECTOR'S REPORT** –

30 Mr. Cowie reminded Commissioners to submit annual disclosure statements if
they had not already done so.

32 **ADJOURN** –

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36 COMMISSIONER CALL MOVED TO ADJOURN THE MEETING AT 8:20
P.M. COMMISSIONER NEUWIRTH SECONDED THE MOTION. ALL PRESENT
VOTED IN FAVOR. THE MOTION CARRIED.

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40 Approved – February 9, 2010

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Gary Godfrey, Chairperson

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Adam Cowie, Planning Director