

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**  
3 **October 13, 2009,** 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: Mark Johnson

7 Pledge of Allegiance: Angela Neuwirth

8 **PRESENT**

**ABSENT**

10 Gary Godfrey, Chairperson

12 Ron Anderson, Commissioner

Matt Bean, Commissioner

14 Christian Burton, Commissioner

Sharon Call, Commissioner

16 Mark Johnson, Commissioner

Angela Neuwirth, Commissioner

18 Adam Cowie, Planning Director

Woodworth Mataele, Assistant Planner

20 Debra Cullimore, City Recorder

22 The meeting was called to order at 7:07 p.m.

24 **APPROVAL OF MINUTES** – The minutes of the meeting of September 8, 2009 were  
26 reviewed.

28 COMMISSIONER JOHNSON MOVED TO APPROVE THE MINUTES OF  
THE MEETING OF SEPTEMBER 8, 2009. COMMISSIONER BURTON SECONDED  
THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

30 **PUBLIC COMMENT** –

32 Chairperson Godfrey called for comments from any resident present who wished  
34 to address an issue not listed as an agenda item. There was no public comment. He  
welcomed a number of students present in the audience who were there to complete an  
36 assignment for their Government and Citizenship class at Pleasant Grove High School.

38 **CURRENT BUSINESS** –

- 40 1. **Plat Amendment** – *Stableridge Plat D – 77 & 93 North Canal Drive*. This is a  
42 request by Vaughn Heath for approval of a plat amendment for the Stableridge  
Plat D subdivision located in the R1-20 zone. The applicant is proposing to adjust  
44 the property lines for the previously recorded lot #6 and #7 for Stableridge Plat A.  
The proposal would not be creating any additional lots. Recommendations from  
46 the Planning Commission will be forwarded to the City Council for final action.



2 Vaughn Heath was present as the representative for this application. Mr. Mataele  
4 explained that this is a request for a plat amendment to lot #6 and #7 of the original plat,  
6 which was originally recorded in 2000. Due to an error during construction of the  
8 existing home which placed the dwelling too close to the property line, the Board of  
10 Adjustments approved a variance in 2003 to permit the north lot to be below the  
12 minimum 20,000 square foot requirement. The variance was granted based on the  
14 incorrect location of the Heath home on lot #7, and the impact to the Gardner property on  
16 lot #6. The approved variance runs with the land, and is still valid. This plat amendment  
18 finalizes the variance granted by the Board of Adjustments. Mr. Mataele presented  
20 photographs of the subject property showing the proposed plat amendment. He explained  
22 that Mr. Heath is currently the owner of both lots.

12 Chairperson Godfrey invited Mr. Heath to address the Commission. Mr. Heath  
14 stated that it is difficult to determine who is responsible for the mistake made during  
16 construction of the home. He stated that the Gardner family originally owned the  
18 neighboring lot. Mr. Heath purchased the property from them at that time, with the intent  
20 to develop the property at some time in the future. He observed that the lot is unsightly,  
22 and that development of the property would enhance the neighborhood. He noted that the  
lot is not buildable without the proposed plat amendment, and that it is his intention to  
make the lot sellable and allow development of the property.

20 Commissioner Neuwirth inquired as to whether the public utility easement would  
22 be adjusted as part of the plat amendment. Mr. Cowie stated that the public utility  
easements will be relocated, and will be shown on the final plat.

24 Commissioner Anderson asked Mr. Heath why he has waited six years following  
26 approval of the variance to pursue the plat amendment. Mr. Heath stated that he does not  
28 foresee development of the lot himself as he intended at the time he purchased the  
property. In order to make the lot sellable, the plat amendment must be approved. Mr.  
Cowie reiterated that the approved variance runs with the land, and is still valid.

28 Chairperson Godfrey called for public comment. Matt Brown stated that he is  
30 Mr. Heath's neighbor to the north, and that the vacant lot is located between their homes.  
32 Mr. Brown stated that he is not opposed to the plat amendment or the variance granted by  
34 the Board of Adjustments. He expressed concern that neighbors were not properly  
36 noticed in 2003 when the variance was granted. He also expressed concern regarding  
CCR's which may be vacated at the time the original plat is vacated. He stated that he  
would like to make sure the CCR's in place on the current plat are carried over to the new  
plat to protect the integrity of the neighborhood. Mr. Brown observed that underground  
utilities on the lot may not be placed in the appropriate public utility easement, and that  
lines may need to be relocated to create a building footprint on the lot.

38 Chairperson Godfrey explained that the City does not enforce requirements  
40 specified in CCR's which are in excess of requirements found in City ordinance. He  
42 asked if the CCR's would be recorded on the new plat. Mr. Mataele stated that the City  
would not enforce any requirements of the CCR's, and that only a ten foot side yard  
setback would be required by City ordinance.

44 Chairperson Godfrey asked Mr. Cowie if there is any record of what noticing was  
46 provided for the Board of Adjustments meeting where the variance was granted, as Mr.  
Brown has alleged that proper noticing was not completed. Mr. Cowie stated that the  
minutes of the public meeting reflect that neighboring property owners were present at

2 the meeting, and that comments were taken. He noted that challenges or complaints  
4 regarding any improprieties in noticing for land use decisions must be received within 30  
was completed.

6 Chairperson Godfrey inquired as to the problem Mr. Brown mentioned regarding  
the placement of underground utility lines. Mr. Cowie stated that the property owner  
8 would be responsible to investigate the location of utility lines prior to construction. He  
stated that private utility lines are routinely relocated, and that this issue could be  
10 addressed prior to construction. Commissioner Anderson asked what circumstances  
would require relocation of utility lines. Mr. Cowie stated that any utility lines which are  
not in compliance with building codes would require relocation.

12 Paul Magleby commented that it would be beneficial to the neighborhood to  
develop the lot. He asserted that the City may have been at least partially at fault in the  
14 improper location of the existing home on the lot.

16 Chairperson Godfrey noted that the approved variance granted by the Board of  
Adjustments does not appear to give the Planning Commission much latitude in what can  
be approved or denied on this lot. Commissioner Anderson agreed with the assessment  
18 of the situation.

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

22  
24 COMMISSIONER BEAN MOVED TO APPROVE THE STABLERIDGE PLAT  
D PRELIMINARY PLAT AND RECOMMEND APPROVAL TO THE CITY  
COUNCIL. COMMISSIONER CALL SECONDED THE MOTION. ALL PRESENT  
26 VOTED IN FAVOR. THE MOTION CARRIED.

28 Mr. Cowie informed Mr. Heath that the City Council will review this application  
and take final action on Tuesday, October 20, 2009 at 7:00 p.m.

- 30  
32 2. **Public Hearing** – *Ordinance Changes to LCC Section 17.12 – Submissions –*  
*Special Requirements.* This is a City initiated ordinance change to the  
‘Submissions – Special Requirements’ section of the Lindon City Code.  
34 Recommendations from the Planning Commission will be forwarded to the City  
Council for final action.

36  
38 COMMISSIONER ANDERSON MOVED TO OPEN THE PUBLIC HEARING.  
COMMISSIONER JOHNSON SECONDED THE MOTION. ALL PRESENT VOTED  
IN FAVOR. THE MOTION CARRIED.

40  
42 Mr. Mataele explained that staff is looking at this agenda item for discussion only  
at this time, and is not necessarily expecting to take action to approve or deny proposed  
44 amendments at this meeting. He stated that the intent of proposed revisions is to bring  
the ordinance into compliance with current practice.



2 Mr. Mataele reviewed proposed criteria which could trigger requirements to an  
amended site plan to bring the entire site into conformance with current City codes.  
Proposed options include:

- 4 1. Percentage (ex. 30%) of increase in the value of the structure.
- 6 2. Percentage (ex. 30%) of increase in floor area.
- 8 3. Any changes to the site, including minor alterations/additions.
4. Plat expiration – as listed in the draft.
5. Phased development – as listed in the draft.

10 Mr. Mataele noted that at least one municipality requires the site to be brought into full  
compliance if there is any change to the floor plan. He explained that under the current  
proposal, if there is an increase of 30% to floor area, Planning Commission approval  
12 would be required before a building permit would be issued, with the entire site being  
required to come into compliance with current ordinance standards. If proposed  
14 improvements increase floor space by less than 30%, improvements would be approved  
by staff.

16 Commissioner Neuwirth expressed concern that any improvements to sites may  
be discouraged if sites are required to come into full compliance due too the expense to  
18 small businesses. Mr. Cowie noted that a new bank has purchased the old Wells Fargo  
building on State Street and requested to make several improvements to the property.  
20 Based on current requirements, the proposed improvements would require the site to be  
brought into full compliance, including storm drainage. He noted that the intent of  
22 proposed ordinance revisions is to allow some leeway for architectural improvements but  
not require full compliance unless the amount of improvements rises to a specific level.

24 Chairperson Godfrey noted that it would be beneficial to the commercial corridor  
to encourage architectural upgrades. Mr. Cowie noted that any exterior improvements  
26 would be required to comply with the Architectural Design Guidelines. The Commission  
discussed architectural and façade improvements which were completed on two projects,  
28 Diamond Glass and Lindon Care and Training Center, which helped improve the  
aesthetics of the State Street corridor.

30 Commissioner Neuwirth felt that the proposed triggers may be too restrictive, and  
may be overly burdensome to small businesses. She expressed concern that the result of  
32 the restrictions may be fewer improvements. Mr. Cowie noted that some requirements,  
such as landscaping, can be waived if it is determined to be a detriment to the business.  
34 He explained that the bank project in particular would be significantly financially  
impacted if they were required to install storm drainage improvements. He explained that  
36 a portion of the parking area would have to be removed and reconstructed to install storm  
drains. He observed that some required improvements present no financial benefit to the  
38 business, but are a City requirement.

40 Chairperson Godfrey inquired as to why installation of storm drainage systems  
would be required if the current system on the site is functioning sufficiently. Mr. Cowie  
explained that many sites that are sub-standard do not function appropriately, causing a  
42 strain on other areas of the system, or even potential flooding issues.

44 Commissioner Bean observed that the current code allows cosmetic  
improvements without an amended site plan. Mr. Cowie explained that only structural  
changes require a building permit. Commissioner Neuwirth suggested the possibility of  
46 incorporating earlier triggers for cosmetic upgrades to improve aesthetics without

2 required infrastructure upgrades. Mr. Cowie expressed concern that businesses may  
3 choose not to locate in Lindon if upgrade requirements are unreasonable. Chairperson  
4 Godfrey suggested the possibility of not legislating cosmetic upgrades, but rather leaving  
5 those upgrades which do not rise to the level of full compliance up to the business sense  
6 of the business owner.

7 Commissioner Burton asked if the Commission would have any discretion in  
8 requiring upgrades based on the location of the business. Mr. Cowie stated that not all  
9 improvements are required in all zones, but that businesses would be required to install  
10 any improvements required in the specific zone.

11 Chairperson Godfrey noted that the proposed ordinance makes reference to the  
12 Development Manual. He inquired as to the process for upgrading the manual, and  
13 whether the City has any legislative authority in updating requirements. Mr. Cowie  
14 stated that the Development Manual is updated throughout the year by the Development  
15 Review Committee. The changes are ratified annually by the City Council. The Manual  
16 is not an ordinance, and does allow staff to make exceptions to certain requirements if  
17 specific criteria are met.

18 Commissioner Neuwirth expressed concern regarding requirements that are not  
19 specifically listed in an ordinance, and the possibility that requirements imposed by the  
20 Development Review Committee may be subjective or excessive. Mr. Cowie stated that  
21 additional requirements above those found in the ordinance are very rare, and happen  
22 only in very specific situations.

23 Commissioner Call noted that proposed ordinance language refers to the 'land use  
24 authority' rather than the Planning Commission. She inquired as to the reason for this  
25 change. Mr. Cowie explained that State law allows municipalities to designate a land use  
26 authority, which in some cities is city staff or the city attorney. Lindon City has  
27 established a table specifying the land use authority for each type of land use application.

28 Chairperson Godfrey asked if there is any provision in the ordinance which  
29 requires notice to property owners of the appeal period for land use decisions. Mr. Cowie  
30 stated that a notice requirement for appeals is not currently included in the ordinance, but  
31 that language could be added.

32 Mr. Mataele stated that proposed revisions to 17.12.190 are intended to clarify  
33 language regarding expiration of approvals for land use application. A provision is  
34 included to allow applicants to request a 12 month extension. Mr. Cowie noted that staff  
35 would like to include a 'not to exceed' time limit to complete improvements, particularly  
36 for phased developments.

37 Commissioner Neuwirth asked what action would be taken if time limits were  
38 exceeded for phased developments. Mr. Cowie stated that developers would be required  
39 to submit a new application for additional phases not completed in the allotted time. He  
40 noted that approval of developments too far in the future could be problematic, as state  
41 and local laws change frequently, and resulting phased development could be out of  
42 compliance before it is even completed. He clarified that time frames for phased  
43 developments are necessary to ensure that the development meets current standards.

44 The Commission went on to discuss additional triggers, such as a percentage  
45 formula requiring a specific percentage of any improvements to be allocated toward  
46 bringing the site further into compliance. Chairperson Godfrey suggested that any

revisions to the draft include a proportional approach to required and voluntary improvements.

Chairperson Godfrey called for public comment. There was no public comment. He called for further comments or discussion from the Commission. Hearing none, he called for a motion to continue the Public Hearing.

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

Mr. Cowie will draft revisions and discussed for further review and a future meeting.

3. **Public Hearing** – *Ordinance addition – LCC Section 17.33-17.34 – Plat Amendment & Property Line Adjustments.* This is a City initiated ordinance addition to the Lindon City Code entitled ‘Plat Amendment’ and ‘Property Line Adjustment.’ Recommendations from the Planning Commission will be forwarded to the City Council for final action.

Mr. Cowie explained that these proposed ordinance revisions would not apply to platted subdivision lots, and would only be available on metes and bounds type parcels. He stated that lot line adjustments on lots which are not part of a platted subdivision would be reviewed carefully by staff to make sure all requirements are met. Staff would have approval authority for this type of lot line adjustment. However, any plat amendment on a subdivision plat would require approval of the appropriate land use authority. The proposed ordinance simplifies the process for applicants on simple lot line adjustments.

Mr. Cowie noted that the City Engineer commented on a couple of sections of the proposed ordinance. Engineering comments suggest that relocation of all utility lines should require a re-plat of the subdivision lot to properly identify the utility locations on the plat.

Mr. Cowie noted that the Development Manual does not currently include guidelines specific to property line adjustments. The proposed ordinance includes requirements for approval and recording of a property line adjustment. Proposed language also includes a requirement that there are existing curb, gutter and/or sidewalk improvements along the frontage of the subject property, those improvements must be extended to the location of the new property line. Mr. Cowie explained that the intent of the requirement is to eliminate small sections of property frontage without improvements. No curb, gutter and sidewalk improvements would be required if there are no such existing improvements at the time of the property line adjustment.

Commissioner Neuwirth inquired as to how the City tracks property line adjustments. Mr. Cowie stated that the City relies on property owners to go through proper approval, and notify the City of property line adjustments. He stated that notifying the City is required by State law, and review by staff allows the City to ensure that proper lot size, set back and other requirements are met on the lot.

2 Chairperson Godfrey inquired as to the meaning of specific language referring to  
‘divisions’ in the ordinance. Mr. Cowie stated that division refers to a section of the City  
4 Code. Chairperson Godfrey suggested that language be clarified to refer to Lindon City  
Code to avoid confusion. Other Commissioner agreed with this recommendation.

6 Commissioner Neuwirth expressed concern regarding giving staff authority for  
land use decisions. Mr. Cowie clarified that only minor property line adjustments would  
8 meet the criteria for staff approval. He stated that any amendments which create new  
buildable areas or lots would still require Planning Commission and City Council  
10 approval. Any plat amendments to a subdivision plat would also require approval of the  
land use authority.

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

14  
16 COMMISSION ANDERSON MOVED TO CLOSE THE PUBLIC HEARING.  
COMMISSIONER JOHNSON SECONDED THE MOTION. ALL PRESENT VOTED  
IN FAVOR. THE MOTION CARRIED.

18  
20 COMMISSIONER BURTON MOVED TO APPROVE THE ADDITION OF  
THE ORDINANCE CREATING LCC SECTION 17.33 ADM 17.34 AND  
22 RECOMMEND APPROVAL TO THE CITY COUNCIL WITH THE FOLLOWING  
RECOMMENDATIONS:

- 24 1. THAT ENGINEERING COMMENTS RELATIVE TO UTILITY LOCATIONS  
ON THE PLAT BE INCLUDED IN THE FINAL ORDINANCE.
- 26 2. THAT LANGUAGE BE CLARIFIED TO REFER TO LINDON CITY CODE  
RATHER THAN ‘DIVISIONS.’

28 COMMISSIONER CALL SECONDED THE MOTION. ALL PRESENT VOTED IN  
FAVOR. THE MOTION CARRIED.

30 **NEW BUSINESS** – Reports by Commissioners

32 Commissioner Call inquired as to whether there is any truth to the rumor that  
Timpanogos Harley Davidson has filed bankruptcy. Mr. Cowie stated that the City is  
34 aware that they have filed bankruptcy, but that no additional details are known.

36 Commissioner Call asked if a Meet the Candidates Night is planned for the  
upcoming election. Meet the Candidates will be held October 22, 2009 at 7:00 p.m.

38 Commissioner Call asked what triggers weeds on a residential lot being identified  
as a nuisance. Mr. Cowie stated that weeds over six inches in height constitute a  
nuisance. He noted that the Code Enforcement Officer is very proactive in addressing  
40 weed enforcement and abatement issues.

42 Commissioner Anderson stated that he has heard that the retirement community  
originally approved for Fieldstone Homes has been sold. Mr. Cowie stated that the  
project is under new ownership, but that the original approval is still applicable. He  
44 stated that any alterations to the approved plan will require approval.

46 **PLANNING DIRECTOR’S REPORT** –



Mr. Cowie reported on the following items:

1. There will be a regularly schedule Planning Commission Meeting on Tuesday, October 27, 2009 to consider several ordinances.
2. The City will participate in a Regional Transportation Open House on October 21, 2009 at the Orem Senior Friendship Center.
3. The City Council denied the Canberra Estates subdivision application due to concerns regarding exceptions to utility locations caused by constraints of the aqueduct easement. The applicants intend to re-apply and attempt to work through the concerns to allow development of the property.
4. Complete election information is available on the City website.
5. The General Plan is scheduled to be updated in 2010. One to two members of the Planning Commission will be included on the General Plan Update Committee. Primary changes to plan are expected to be long term plans for the 700 North commercial corridor.

**ADJOURN** –

COMMISSIONER NEUWIRTH MOVED TO ADJOURN THE MEETING AT 9:03 P.M. COMMISSIONER BURTON SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Approved – October 27, 2009

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Gary Godfrey, Chairperson

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Adam Cowie, Planning Director