

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**
3 **October 27, 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: Angela Neuwirth

7 Pledge of Allegiance: Christian Burton

8 **PRESENT**

ABSENT

10 Gary Godfrey, Chairperson

Mark Johnson, Commissioner

12 Ron Anderson, Commissioner

13 Matt Bean, Commissioner

14 Christian Burton, Commissioner

15 Sharon Call, Commissioner

16 Angela Neuwirth, Commissioner

17 Adam Cowie, Planning Director

18 Woodworth Mataele, Assistant Planner

19 Debra Cullimore, City Recorder

20 The meeting was called to order at 7:15 p.m.

22 **Note – the start of the meeting was delayed due to a malfunction of the audio recorder
23 used for the meeting. The recorder appeared to be working at the time the meeting
24 started, but quit working prior to the conclusion of the meeting.*

26 **APPROVAL OF MINUTES** – The minutes of the meeting of October 13, 2009 were
27 reviewed.

30 COMMISSIONER ANDERSON MOVED TO APPROVE THE MINUTES OF
31 THE MEETING OF OCTOBER 13, 2009. COMMISSIONER NEUWIRTH
32 SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION
33 CARRIED.

34 **PUBLIC COMMENT** –

36 Chairperson Godfrey called for comments from any resident present who wished
37 to address an issue not listed as an agenda item. A young man in the audience, Jesse
38 Christensen, asked if the any of the City officials had any knowledge of why some are
39 trying to remove the words “under God” from the Pledge of Allegiance. The
40 Commission responded that they did not personally feel that the words should be
41 removed from the Pledge of Allegiance. Commissioner Call observed that it is her
42 understanding that some feel that removing the words is necessary to show a separation
43 of church and state. Mr. Christensen stated that he does not feel the words should be
44 removed, and that a belief in God is an integral part of the foundation of the United
45 States.

CURRENT BUSINESS –

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Mr. Cowie suggested that since a number of Boy Scouts and their leaders were present in the audience, that he do a presentation on parks and recreation facilities which he had planned for his report. He felt that the audience may find the presentation more interesting and informative than discussion regarding ordinance amendments. The Commission agreed that it would be appropriate to do the presentation at this time.

Mr. Cowie explained that he and Councilmember Bayless were invited to give this presentation at the recent American Planning Association conference. The presentation covered a variety of policies, practices and ordinances in place in Lindon which promote a healthy lifestyle. Mr. Cowie noted that City staff and officials have worked cooperatively to establish current policies and practices. He also commented that a series of surveys of Lindon residents showed significant interest in increasing recreational opportunities in Lindon, which lead to an eventual decision to construct the new aquatics center.

Mr. Cowie explained that the target amount of parks and open space in a community is 4 acres per 1,000 residents. A survey of all parks, trails and preserved open space in Lindon provides approximately 11 acres per 1,000 residents. Mr. Cowie went on to review City parks and amenities which provide opportunities for recreation and fitness activities. He also noted that there is high level of community involvement in completing parks and other amenities.

Mr. Cowie reviewed current policies and ordinances which encourage and promote alternative transportation methods. He outlined the route of the Lindon Heritage Trail, which will eventually connect to other regional trails. He noted that shoulders have also been widened on several roads to create pedestrian corridors. He also pointed out that bicycle parking is now required for all new commercial development, and incentives are provided to businesses who offer locker and changing facilities for employees who ride bikes to work.

Mr. Cowie went on to review healthy lifestyle programs in the City, including the Healthy Lindon lecture series, the Run For the Trees event, and foothills and wetlands preservation projects to maintain open space within the community.

Councilmember Bayless commented that putting this presentation together made her aware of how much community involvement there has been in encouraging a healthy lifestyle in Lindon. She commented on the amount of grant funding the City has been awarded for various projects, and the cooperative effort that has resulted in the wide variety of programs and facilities in Lindon which provide opportunities to establish a healthy lifestyle. She thanked the Planning Department staff and the Commission for their work in helping create the quality of life enjoyed in the community.

1. **Continued Public Hearing** – *Ordinance changes to LCC Section 17.12 ‘Submissions – Special Requirements’ and 17.19 ‘Land Use Fee Schedule.’* This item was originally reviewed and continued during the October 13th 2009 Planning Commission meeting. This is a City initiated ordinance change to 17.12 ‘Submissions – Special Requirements’ and 17.19 ‘Land Use Fee Schedule’ sections of the Lindon City Code. Recommendations from the Planning Commission will be forwarded to the City Council for final action.

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

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6 Mr. Mataele stated that the Commission began review of this proposed ordinance
at the last Planning Commission meeting, but that additional changes have been
incorporated at this time. He reviewed noticing requirements of ten days to property
8 owners within 300 feet of the subject property. Commissioner Neuwirth expressed
concern that ten days notice may not be adequate if a resident happens to be out of town
10 when the notice is mailed to them. Mr. Cowie stated that ten days notice is standard, and
is the requirement of state law for most land use applications.

12 Mr. Cowie noted that proposed revisions also provide a ten day notice for appeal
periods for land use decisions. He stated that the appeal period starts at the time the
14 minutes of the decision are approved.

16 Commissioner Anderson expressed concern that the proposed appeal process may
delay projects. He observed that the process of applying, appearing before the
Commission, waiting for approval of minutes, and waiting for the appeal period could
18 result in project delays of months before a developer could start a project.

20 Chairperson Godfrey inquired as to whether it would be appropriate for noticing
regarding applications approved at a staff level to include notification that the application
was approved by the Planning Director, and that exceptions to typical requirements may
22 have been granted. Mr. Cowie clarified that any application approved by staff would be
required to be in full compliance with all ordinance standards, and that the only
24 exceptions would be to allow approval by staff rather than requiring review and approval
by the Planning Commission and/or City Council. Mr. Mataele stated that notices would
26 include a statement that the application meets all requirements of the City code.

28 The Commission went on to discuss various elements of the proposed ordinance,
including landscaping requirements and a time table for completion of phased
developments. If a phased development is not completed within the established time
30 frame, the developer would be required to obtain a new approval for the project. Mr.
Cowie explained that this requirement would ensure that developments would be
32 completed in compliance with current standards.

34 Mr. Mataele then presented proposed amendments which would establish triggers
for remodeling projects on existing non-conforming buildings to bring the site into full
compliance with current standards. He noted that neighboring communities use a variety
36 of formulas to determine when full compliance is required. Formulas discussed included
cost based, percentage, and square footage triggers. Mr. Cowie explained that West
38 Valley uses a concept of prioritizing compliance with specific standards based on the
level of improvement. For example, if the remodel increases square footage by 0-10%,
40 additional improvements to come into compliance are not required. Improvements which
increase square footage by 10% - 30% require landscaping compliance, and
42 improvements which increase square footage above 30% require full compliance with
current standards.

44 Commissioner Anderson noted that on the State Street corridor, landscaping may
be difficult to require due to the proximity of existing buildings to the street. He
46 suggested that the City consider requiring compliance with Commercial Design

2 Guideline standards as a first phase. He noted that compliance with architectural
standards would improve aesthetics of the commercial zone. Commissioner Neuwirth
4 suggested that rather than prioritizing requirements specifically in the ordinance that
improvements be prioritized on a case by case basis depending on the particular site.
6 Commissioner Call felt that a consistent standard would be beneficial, rather than
imposing requirements on a case by case basis.

8 The Commission discussed the possibility of imposing requirements based on a
percentage of the cost of the remodeling project. Mr. Cowie stated that he would be
uncomfortable basing requirements off of estimated costs, as the cost would be arguable
10 and not establish a consistent standard. Commissioner Bean agreed that establishing the
cost of a project would be difficult, as developers would have the ability to barter for
12 services and reduce the actual cost. He felt that basing standards on cost would be
difficult to enforce, and that enforcement of this standard would be onerous on the
14 Planning Department. He felt that the phased approach based on square footage which
was discussed earlier may be easier to establish and enforce.

16 Commissioner Bean inquired as to whether any compliance or approval is
required for remodeling projects which do not change the exterior dimensions of the
18 building. Mr. Cowie explained that any change to exterior dimensions, or any change in
use in an existing building, requires approval from the City.

20 Chairperson Godfrey suggested the possibility of a concept review for phased
compliance requirements in order to apply improvements on a site specific basis. Mr.
22 Cowie felt that standardized formulas would allow developers to be made aware of
specific requirements at the time of their application, prior to appearing before the
24 Commission.

26 The Commission went on to discuss the cost of improvements on various sites.
Commissioner Burton noted that installing significant improvements, such as storm
drainage, may not present a significant expense on some sites, but could be overly
28 burdensome on other sites.

30 Commissioner Call asked Mr. Cowie and Mr. Mataele for a staff recommendation
for thresholds for requiring compliance. Mr. Cowie stated that a phased formula based
on square footage increases would be measurable and enforceable. Commissioner Bean
32 expressed concern that buyers may purchase property without being aware of what
improvements will be required. He noted that sellers are not required to disclose possible
34 expenses associated with required improvements at the time of the sale. He felt that a
phased approach based on square footage would be reasonable, with full improvements
36 required after a 30% increase in square footage.

38 The Commission discussed possible language in the ordinance which would
encourage any exterior changes, such as paint, to come into compliance with Commercial
Design Guideline standards. Mr. Cowie noted that only structural changes require a
40 building permit from the City, and that enforcement of standards on cosmetic
improvements would be difficult. Commissioner Anderson suggested that annual
42 business license renewal notification include some type of information regarding the
Commercial Design Guidelines, and encourage any cosmetic improvements to bring the
44 site closer to conformance with the standards.

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 ORDINANCE CHANGES TO LCC SECTIONS 17.12 'SUBMISSIONS AND SPECIAL REQUIREMENTS' AND 17.19 'LAND USE FEE SCHEDULE.' COMMISSIONER BEAN SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

2. **Public Hearing** – *Ordinance addition – OCC Section 17.38 'Bonds for Completion of Improvements to Real Property.'* This is a City initiated ordinance change to the Lindon City Code Section 17.38 'Bonds for Completion of Improvements to Real Property.' Recommendations from the Planning Commission will be forwarded to the City Council for final action.

Mr. Cowie explained that proposed ordinance changes will bring the City Code into compliance with State statute. He noted that City ordinance currently allows bonds for improvements to be held by the City for up to two years while State law allows bonds to be held for only one year. He clarified that warranty period can be extended for longer periods of time in specific situations, such as the presence of identified geologic hazards or collapsible soils.

Mr. Cowie noted that there has been some discussion regarding increasing the amount of the bond an additional amount over the estimated cost of improvements to ensure that adequate funding is available if prices increase during completion of the project. Bonds are currently required at 110% of expected costs. Engineering recommendations are to increase required bonds between 120% and 150% of estimated costs. Commissioner Neuwirth felt that bonds should not exceed 120% of estimated costs. She noted that engineering costs typically consider the highest possible cost, and that requiring bonds in excess of 120% of estimates may make obtaining the bonds difficult for developers or contractors.

Mr. Cowie went on to explain that the City Engineer has recommended a blanket amount to cover the warranty portion of all improvements rather than an amount specific to each improvement. Engineers have also recommended assessing an additional fee to cover the cost associated with inspections, materials testing and utility mapping.

Mr. Cowie noted that the current ordinance requires a warranty period of one year for interior private improvements in commercial developments. He suggested that language regarding private improvements be struck from the ordinance. He clarified that a warranty period would still be applied to all public improvements, including any improvements located in the street right-of-way. He suggested that a definition for on site and off site improvements be included in ordinance revisions.

Chairperson Godfrey inquired as to what bonding processes are available to developers. Mr. Cowie stated that three methods are provided, including; a cash payment which is held in an interest bearing account with the City retaining any interest earned, an escrow account or a letter of credit. He clarified that no fee is charged for cash payments

deposited into the interest bearing account, while fees are associated with the escrow account or letter of credit.

Commissioner Neuwirth inquired as to the procedure which would be followed to release bonds if they are applied across the project rather than being applied to specific improvements. Mr. Cowie stated that completion of specific improvements along with associated costs would still be tracked. He stated that the blanket amount would typically be applied to the warranty portion of the bond, which could be used to fund completion of any improvements rather than specific improvements.

Commissioner Neuwirth suggested that Mr. Cowie review the 4% fee charged for inspections. She noted that on large projects, the fee may be overly burdensome. Mr. Cowie will review the specific percentage.

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 this item.

COMMISSIONER NEUWIRTH MOVED TO CONTINUE ORDINANCE CHANGES TO LCC SECTION 17.38 'BONDS FOR COMPLETION OF IMPROVEMENTS TO REAL PROPERTY.' COMMISSIONER CALL SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

3. **Public Hearing** – *Ordinance Addition – LCC Section 17.32, 17.58, 17.66.020 'Subdivisions.'* This is a City initiated ordinance change to the Lindon City Code Section 17.32 'Subdivisions – Special Requirements,' 17.58 'Dedication of Subdivision', 17.66.020 'Subdivision Recordation and Approval Required.' Recommendations from the Planning Commission will be forwarded to the City Council for final action.

Mr. Cowie explained that this proposed ordinance sets standards for 'clustering' of housing in residential areas. He clarified that the intent of the proposed ordinance amendments is to create additional open space and preserve unique community resources. Mr. Cowie noted that many communities permit clustering in residential development, and that some communities require clustering if the development exceeds a specified acreage. He observed that if clustering is offered as an option, developers may not be interested in clustering due to the time and cost associated with the design process. He suggested that if the City is interested in incorporating clustering into future development, that a trigger be established specifying when clustering is required rather than optional.

Mr. Cowie explained that proposed clustering of housing units will not create an increase in density or allowed number of units in a particular development, but will allow placement of housing units which creates areas of open space in the development. He noted that the Fieldstone Homes development was built using an average lot size rather than a minimum lot size, which allowed space to create park areas in several locations in the development.

Chairperson Godfrey stated that he likes the large lot sizes currently required in Lindon. He felt that current ordinance requirements for lot size maintains an open feeling in residential areas and enhances privacy of residents. Mr. Cowie noted that current

2 policies create private open space in the back of homes rather than public open space
4 which would be provided using clustering. Commissioner Call observed that the
6 emphasis in Lindon is on small neighborhood parks rather than larger centrally located
8 parks. Commissioner Anderson commented that residential development practices in
10 Lindon are intended to create a look and feel that is different than surrounding
12 communities, but that the required minimum lot sizes typically result in ‘cookie cutter’
14 type developments with the same look as other communities. Mr. Cowie suggested that
16 Commissioners do some research on clustering concepts in other communities as the
discussion continues over the coming months.

18 Commissioner Neuwirth inquired as to whether there is any requirement for a
20 second access to subdivision developments based on the number of units in the
22 development. Mr. Cowie stated that he is not aware of any specific second access
24 requirement, but that he will investigate whether a standard has been established.

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

32 COMMISSIONER CALL MOVED TO CONTINUE ORDINANCE CHANGES
34 TO LCC SECTION 17.32 ‘SUBDIVISIONS – SPECIAL REQUIREMENTS’, 17.58
36 ‘DEDICATIONS OF SUBDIVISIONS,’ 17.66.020 ‘SUBDIVISION RECORDATION
38 AND APPROVAL REQUIRED. COMMISSIONER NEUWIRTH SECONDED THE
40 MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

42 COMMISSIONER CALL MOVED TO CLOSE THE PUBLIC HEARING.
44 COMMISSIONER NEUWIRTH SECONDED THE MOTION. ALL PRESENT
46 VOTED IN FAVOR. THE MOTION CARRIED.

48 **NEW BUSINESS** – Reports by Commissioners

50 Commissioner Call stated that she recently attended the UDOT Transportation
52 and Community Planning Open House, and that she had some concerns regarding what
54 she was told about the extension of 400 North west from State Street. Mr. Cowie stated
56 that initial plans for the State Street widening project included realignment of the 400
58 North intersection. Due to financial issues associated with the realignment, it has been
60 removed from the current plan. He explained that the City owns the right-of-way for the
62 extension of 400 North to the west, but that all improvements associated with the
64 extension will be completed at City expense rather than UDOT completing the
66 realignment of the intersection.

68 **PLANNING DIRECTOR’S REPORT** –

70 Mr. Cowie reported on the following items:

- 72 1. The Commission reviewed the Project Tracking List.
- 74 2. The City Council continued the Stableridge Plat “D” subdivision application due
76 to concerns regarding vacation of CCR requirements.

- 2 3. The City Council approved ordinance amendments forwarded by the Planning
Commission to LCC 17.33 and 17.34.
- 4 4. The Municipal General Election will be held on Tuesday, November 3, 2009 to
elect two City Councilmembers. Complete election information is available on
the City website.

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ADJOURN –

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10 COMMISSIONER BURTON MOVED TO ADJOURN THE MEETING AT
10:00 P.M. COMMISSIONER ANDERSON SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

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Approved – November 10, 2009

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Gary Godfrey, Chairperson

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Adam Cowie, Planning Director

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