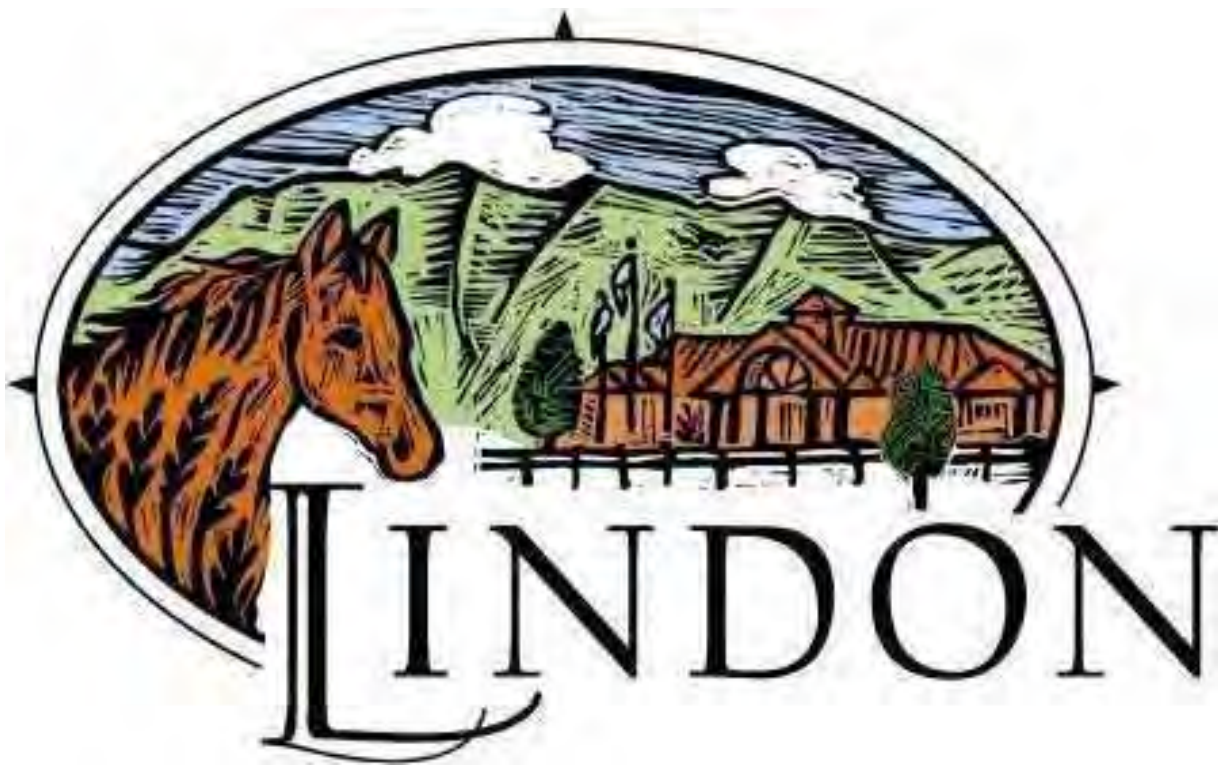


Lindon City Planning Commission Staff Report



October 22, 2019

Notice of Meeting

Lindon City Planning Commission



The Lindon City Planning Commission will hold a regularly scheduled meeting on Tuesday, October 22, 2019, in the Council Room of Lindon City Hall, 100 North State Street, Lindon, Utah. The meeting will begin at 7:00 p.m. This meeting may be held electronically to allow a commissioner to participate by video or teleconference. The agenda will consist of the following items:

AGENDA

Invocation: By Invitation

Pledge of Allegiance: By Invitation



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report materials.

1. Call to Order
2. Approval of minutes
Planning Commission 10/8/2019
3. Public Comment
4. Public hearing for a recommendation to the Lindon City Council to amend the Lindon City Development Manual for a new public street cross-section.
Lynn Walker requests Ordinance Amendment approval to amend the Lindon City Development Manual to create a new public street cross section option **for Lindon's** local streets. (20 minutes)
5. Site Plan Amendment – Doterra Warehouse – approximately 2300 W. 400 N.
Doterra International requests Site Plan Amendment approval to allow the Planning Commission to review the external design of the Doterra Warehouse which differs from the design that the Planning Commission approved at their April 10, 2018 meeting. Parcel #14:059:0048. (20 minutes)
6. Continuation of a public hearing for a recommendation to the Lindon City Council to amend the Lindon City Zoning Code to create regulations for medical cannabis production establishments and pharmacies and to establish the Light Industrial West Overlay Zone.
An amendment to the Lindon City zoning code enacting 17.79 Cannabis Production Establishments and Medical Cannabis Pharmacies and establishing the Light Industrial West Overlay zoning district and amending related sections of the Standard Land Use Table, 17.40.010, 17.49, and 17.18. (20 minutes)
7. Public hearing for a recommendation to the Lindon City Council to amend the Lindon City Zoning Map to create the Light Industrial West Overlay zone.
Lindon City requests approval for a zoning Map Amendment to apply the Light Industrial West Overlay zone to all properties currently zoned Light Industrial which are located West of I-15. (20 minutes)
8. New Business from Commissioners
9. Planning Director Report
- General City updates

Adjourn

Staff Reports and application materials for the agenda items above are available for review at the Lindon City Planning Department, located at 100 N. State Street, Lindon, UT. For specific questions on agenda items our Staff may be contacted directly at (801) 785-7687. City Codes and ordinances are available on the City web site found at www.lindoncity.org. The City of Lindon, in compliance with the Americans with Disabilities Act, provides accommodations and auxiliary communicative aids and services for all those citizens in need of assistance. Persons requesting these accommodations for City-sponsored public meetings, services programs or events should call Kathy Moosman at 785-5043, giving at least 24 hours notice.

Notice of Meeting

Lindon City Planning Commission



The above notice/agenda was posted in three public places within Lindon City limits and on the State <http://www.utah.gov/pmn/index.html> and City www.lindoncity.org websites.

**The duration of each agenda item is approximate only*

Posted By: Kathryn Moosman, City Recorder

Date: 10/18/2019

Time: 5:00 pm

Place: Lindon City Center, Lindon Police Station, Lindon Community Center

Notice of Meeting
Lindon City Planning Commission



Item 1 – Call to Order

Sharon Call
Mike Marchbanks
Rob Kallas
Steve Johnson
Scott Thompson
Jared Schauers
Renee Tribe

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**
4 **October 8, 2019 beginning at 7:00 p.m.** at the Lindon City Center, City Council
Chambers, 100 North State Street, Lindon, Utah.

6 **REGULAR SESSION – 7:00 P.M.**

8 Conducting: Sharon Call, Chairperson
Invocation: Steve Johnson, Commissioner
10 Pledge of Allegiance: Rob Kallas, Commissioner

12	<u>PRESENT</u>	<u>EXCUSED</u>
	Sharon Call, Chairperson	Renee Tribe, Commissioner
14	Rob Kallas, Commissioner	
	Mike Marchbanks, Commissioner	
16	Steven Johnson, Commissioner	
	Scott Thompson, Commissioner	
18	Jared Schauers, Commissioner	
	Mike Florence, Planning Director	
20	Anders Bake, Associate Planner	
	Brian Haws, City Attorney	
22	Kathy Moosman, City Recorder	

24 1. **CALL TO ORDER** – The meeting was called to order at 7:00 p.m.

26 2. **APPROVAL OF MINUTES** –The minutes of the regular meeting of the
28 Planning Commission meeting of September 24, 2019 were reviewed.

30 COMMISSIONER JOHNSON MOVED TO APPROVE THE MINUTES OF
THE REGULAR MEETING OF SEPTEMBER 24, 2019 AS PRESENTED.
32 COMMISSIONER KALLAS SECONDED THE MOTION. ALL PRESENT VOTED
IN FAVOR. THE MOTION CARRIED.

34 3. **PUBLIC COMMENT** – Chairperson Call called for comments from any
audience member who wished to address any issue not listed as an agenda item.
36 There were no public comments.

38 *Mike Florence, Planning Director, made note that an item that was noticed to*
40 *residents for an Auto Repair Shop has been cancelled.*

42 **CURRENT BUSINESS** –

44 4. **Public Hearing – A recommendation to the Lindon City Council to amend**
the **Lindon City development manual regarding street cross sections.** Kirk
Williamson requests Ordinance Amendment approval to amend the Lindon City
46 Development Manual to create a new public street cross section for Lindon's
Sensitive Area District 3.
48

2 COMMISSIONER THOMPSON MOVED TO OPEN THE PUBLIC HEARING.
COMMISSIONER KALLAS SECONDED THE MOTION. ALL PRESENT VOTED IN
4 FAVOR. THE MOTION CARRIED.

6 Mike Florence, Planning Director, led this discussion by stating the applicant, Kirk
Williamson, who is attendance, is proposing to amend the Lindon City Development
8 Manual and proposes an alternative public street cross-section that would only apply to
the Sensitive Area District 3 which is better known as "The Hollow" area.

10 He explained that Mr. Williamson's son-in-law recently constructed a home on
this property and Mr. Williamson would like to add additional lots including a home for
12 himself. Mr. Williamson and staff feel that as much land should be protected in the
Hollow as possible. Therefore, an alternative road design is being proposed and an
14 amendment to the hammerhead turnaround specifications to accomplish this petition. He
noted Mr. Williamson presented this item to the planning commission as a concept plan
16 on August 27, 2019

He indicated that Mr. Williamson and the City have worked together for some time
18 on a road cross-section that would meet public standards but also help to preserve
property within the "Hollow" area. By making the proposed changes to the cross-section
20 and hammerhead, Mr. Williamson will be able to "cluster" his development to preserve
open areas within this sensitive land area. The City is also working with Mr. Williamson
22 on preserving property in the bottom of the Hollow for run-off detention and this
amendment would help preserve land for this purpose. Mr. Florence pointed out if the
24 planning commission and city council approve the new cross-section, then Mr.
Williamson will return for subdivision approval.

26 Mr. Florence then presented the future subdivision proposal, Concept Staff Report
from August 27, 2019, and the Planning Commission Meeting Minutes from August 27,
28 2019 followed by discussion.

Commissioner Marchbanks suggested to use this in more areas than just the
30 sensitive areas. Commissioner Kallas agreed with that statement. He did have a question
on parking and on the water issue. Mr. Florence stated JUB Engineering mapped it out
32 with an analysis and easement and the likelihood of flooding happening would be
unlikely. Commissioner Kallas commented it restricts the width but not the depth and
34 understands that staff will take that under consideration.

Chairperson Call asked if there were any further public comments or discussion.
36 Hearing none she called for a motion to close the public hearing.

38 COMMISSIONER MARCHBANKS MOVED TO CLOSE THE PUBLIC
HEARING. COMMISSIONER JOHNSON SECONDED THE MOTION. ALL
40 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

42 Chairperson Call called for any comments or discussion from the Commission.
Hearing none she called for a motion.

44
COMMISSIONER MARCHBANKS MADE A MOTION TO RECOMMEND
46 TO THE CITY COUNCIL APPROVAL OF ORDINANCE AMENDMENT 2019-15-O
AS PRESENTED. COMMISSIONER KALLAS SECONDED THE MOTION. THE
48 VOTE WAS RECORDED AS FOLLOWS:

2 CHAIRPERSON CALL AYE
COMMISSIONER KALLAS AYE
4 COMMISSIONER JOHNSON AYE
COMMISSIONER MARCHBANKS AYE
6 COMMISSIONER THOMPSON AYE
COMMISSIONER SCHAUERS AYE
8 THE MOTION CARRIED UNANIMOUSLY.

10 5. **Public Hearing – A recommendation to amend the Lindon City zoning map**
12 **from R1-20 to CG at approximately 229 W 400 N.** Colts Neck Investments,
14 LLC requests approval for a Zoning Map Amendment to change the zoning of the
property at approximately 229 W. 400 N. from Residential (R1-20) to
Commercial General (CG). Parcel #14:068:0163.

18 COMMISSIONER KALLAS MOVED TO OPEN THE PUBLIC HEARING.
COMMISSIONER MARCHBANKS SECONDED THE MOTION. ALL PRESENT
VOTED IN FAVOR. THE MOTION CARRIED.

20
Anders Bake, Associate Planner, led this discussion by stating the applicant Tim
22 Clyde is in attendance to request a rezone on the subject parcel from residential (R1-20)
to Commercial (CG). The purpose of the request is to allow egress of vehicle deliveries
24 from State Street through to 400 North. Mr. Clyde owns the property directly south of
the subject property that he uses to store materials for his business, Fence Specialist.
26 Trucks coming in and out of the south property are currently required to back out of the
property on to State Street which is difficult and hazardous. He noted in order for the
28 applicant to use the 400 North property the subject property must be rezoned to
commercial. If the planning commission and city council vote to approve the rezone
30 request then staff will recommend that the approval be conditioned on curb, gutter, and
sidewalk being installed along 400 North as well as the landscaping meet city code
32 requirements.

Mr. Bake further explained if the planning commission and city council vote to
34 approve the rezone request the applicant will be required to come back for site plan
approval from the planning commission. This item was brought before the planning
36 commission and city council in 2007 for a zone change request but was denied at that
time as the City felt at that time that the property should remain residential. He noted the
38 meeting minutes from August and September, 2007 are included in the staff packet.

Mr. Bake went on to say the subject parcel at approximately 229 W 400 N is
40 currently designated in Lindon's General Plan as Residential Low. The General Plan
states that the purpose of this category is to provide areas of low-density residential
42 neighborhoods of essentially spacious and uncrowded character to promote the benefits
of an open, rural atmosphere, and to provide for areas where large animals are permitted.
44 Includes area typically zoned as R1-20 and the property is currently zoned R1-20.

Mr. Bake indicated Lindon City Code states that the single family residential
46 zones (R1) are established to provide areas for the encouragement and promotion of an
environment for family life by providing for the establishment of one (1) family detached
48 dwellings on individual lots that are separate and sheltered from non-residential uses

2 found to be inconsistent with traditional residential lifestyles customarily found within
Lindon City's single-family neighborhoods.

4 Mr. Bake noted the proposed zone map amendment would change the zoning of
this parcel to General Commercial. The Lindon City code states that the Commercial
6 Ordinance is established to promote commercial and service uses for general community
shopping. The objective in establishing commercial zones is to provide areas within the
8 City where commercial and service uses may be located. These zones include the General
Commercial Zones (CG, CG-A, CG-A8, CG-S), Lindon Village Commercial Zone and
10 the Planned Commercial (PC-1 and PC-2) Zones.

12 Mr. Bake indicated the General Commercial Zone requires a minimum lot size of
20,000 square feet. The subject parcel meets this requirement with 24,180 square feet.
He noted public hearing notices, required per city code, were mailed to each affected
14 entity and published in the Daily Herald on September 26, 2019 and no public comments
have been received back at this time.

16 Mr. Bake then presented an Aerial Photo, Surrounding Area Zoning Map,
Surrounding Area General Plan Land Use Map, August 22, 2007 Planning Commission
18 Minutes and the September 28, 2007 City Council Minutes followed by discussion. He
then turned the time over to the applicant for comment.

20
22 *Commissioner Johnson disclosed for the record at this time that he owns property
adjacent to the property in question.*

24 The applicant, Tim Clyde was in attendance to address the commission.
Chairperson Call commented that she would have concerns with outdoor storage at this
26 location. Mr. Clyde stated they will be coming back with a site plan and will have an 8 ft
fence to obscure materials etc. Commissioner Thompson commented that this property is
28 very narrow and difficult to put a home on and observed it is very congested. Mr. Clyde
stated it is a non-conforming lot so you could not build a home there.

30 Chairperson Call called for any public comment at this time. There were several in
attendance who addressed the commission.

32 Dorothy Sisam, resident in attendance, asked if that will mean more big trucks
coming and if Mr. Clyde would get rid of the berm. Mr. Clyde stated they will be putting
34 in curb, gutter and sidewalk and will present a landscape plan. Ms. Sisam also asked if it
would it will still be as high as she sees the most of the materials. Ms. Sisam also
36 expressed her concern of trucks coming out and swinging wider to her side of their road.
Mr. Clyde stated this will actually widen the road width so they can turn on his property.
38 Ms. Sisam also asked if the police could patrol more on 400 North as cars speed down it
all the time.

40 Chairperson Call pointed out he has a lot of cars and things out on the lot and that
is a concern. She understands that this is not what this is related to tonight, but she has a
42 lot of concern on how the property is maintained.

44 Betty Clark, resident in attendance stated this doesn't affect her personally but the
traffic will. She has concerns of kids and grandkids with safety issues etc. She also has
concerns for the community because it is residential area. A sidewalk may be help but 4th
46 North has been ignored by the city for along time. The city should be just as concerned
about the neglect along that road. 400 North is a very busy street and this is adding more

2 traffic if this is done. She believes there needs to be some stipulations that the delivery
trucks will not be using 135 West.

4 Todd Carson, resident in attendance, asked if this is just expanding the lot. Mr.
Clyde stated this is just a zone change right now from residential to general commercial.
6 Chairperson Call explained by changing it the trucks can go out on 400 north instead of
State Street. Commissioner Thompson asked what the fence height will be. Mr. Bake
8 stated it will require a 7ft fence and 20 ft of landscaping and to ensure that there is a clear
view. Mr. Haws stated there will be no stacking above the fence.

10 Maryann Anderson, resident in attendance asked what kind of fence will go up.
Mr. Clyde stated he hasn't decided yet. Chairperson Call explained that these things will
12 come through the site plan and be discussed thoroughly. Tonight, it is just changing the
zone from residential to commercial.

14 Mr. Florence stated the Chief of Police has indicated they will be installing
permanent digital signs on 400 north in the near future. Mr. Bake stated there will be a
16 concrete wall on the east side.

18 COMMISSIONER KALLAS MOVED TO CLOSE THE PUBLIC HEARING.
COMMISSIONER THOMPSON SECONDED THE MOTION. ALL PRESENT
20 VOTED IN FAVOR. THE MOTION CARRIED.

22 Commissioner Kallas stated as point of interest, once approved as commercial
other developments could be proposed. He asked what the depth of the lot is. Mr. Clyde
24 said it is 89 x 93 and is a very restrictive lot. Commissioner Marchbanks expressed his
opinion this should have done years ago. Mr. Clyde pointed out he has brought in lots of
26 tax dollars to the city.

Chairperson Call explained there will a lot of restrictions on the commercial
28 codes. Commissioner Johnson stated being a neighbor to this location, when all the
decisions were split vote in the past, there were a lot of neighbor's in opposition. But it
30 makes sense that this would eventually go commercial. When the site plan comes
through, the commission will address all of the concerns at that time. Chairperson Call
32 explained this will go on to the city council and they will need to approve it also.

Chairperson Call called for any further comments or discussion from the
34 Commission. Hearing none she called for a motion.

36 COMMISSIONER MARCHBANKS MOVED TO RECOMMEND APPROVAL
TO THE CITY COUNCIL ORDINANCE 2019-16-O TO AMEND THE LINDON CITY
38 ZONING MAP FROM R1-20 TO COMMERCIAL GENERAL AT APPROXIMATELY
229 W. 400 N. PARCEL NUMBER 14:068:0163 WITH THE FOLLOWING
40 CONDITION(S): 1. THE APPLICANT BE REQUIRED TO INSTALL CURB,
GUTTER AND SIDEWALK ALONG 400 N. AND THAT THE PROPERTY MEET
42 ALL LINDON CITY LANDSCAPING REQUIREMENTS; 2. ALL ITEMS OF THE
STAFF REPORT. COMMISSIONER THOMPSON SECONDED THE MOTION. THE
44 VOTE WAS RECORDED AS FOLLOWS:

CHAIRPERSON CALL	AYE
46 COMMISSIONER KALLAS	AYE
COMMISSIONER JOHNSON	AYE
48 COMMISSIONER MARCHBANKS	AYE

2 COMMISSIONER THOMPSON AYE
COMMISSIONER SCHAUERS AYE
4 THE MOTION CARRIED UNANIMOUSLY.

6 **6. Public meeting for an amendment to an existing Conditional Use Permit for**
T-Mobile at approximately 775 E 200 S. T-Mobile requests conditional use
8 permit approval to amend the current conditional use permit for three cell towers
that are located at approximately 775 E. 200 S. The amendment would allow an
10 increase in the height of the poles and an increased width of the extended
portions. Parcel 14:073:0217.

12
14 Mr. Florence led this discussion by giving a brief overview of this item explaining
T-Mobile Craig Shannon is requesting to amend a conditional use permit that was
approved in 2001 by the City Council by increasing the allowable height from 79'9 to
16 92'9" and to increase the outside diameter of the proposed increased height portion of the
tower.

18 Mr. Florence stated T-Mobile has made application to amend their previously
approved 2001 conditional use Permit. T-Mobile proposes to increase the height of the
20 existing structure from 79'9" to 92'9". The purpose of the request is to allow T-Mobile
to co-locate a new cell antenna on top of the existing structure. Currently Sprint also uses
22 the existing cell towers.

24 Mr. Florence indicated that due to equipment overheating, the applicant also
proposed to increase the width of the T-Mobile section with will also be perforated for
ventilation. The existing diameter is 36" and the proposed increased height portion will
26 be 42". Due to overheating the applicant is also proposing the perforated metal for the
lower Spring sections. In 2001, the City Council was the land use authority for
28 conditional use permits and the planning commission is now the land use authority. He
noted the 2001 meeting minutes are attached to this report. The City Council at that time
30 approved the conditional use permit with the following conditions:

- 32 1. The site will be located north of the turn-around at 200 S. and about 800 E. and
the equipment enclosure will be located near the southwest corner of the Oak
Canyon Junior High school fields. Because the towers will be designed to
34 collapse within themselves, they will be placed as close as possible to 200 S. and
closer than the setback allowance requires to the homes to the west of the
36 structure.
- 38 2. Aesthetics of the poles: the site will consist of a three-flagpole configuration, 80
feet high or less. The color will be environmentally compatible and blend with the
skyline. The landscaping will incorporate a raised planter, accent lighting, a pole
40 lanyard and a lock box, and flags provided by the junior high school of the proper
scale.
- 42 3. Aesthetics of the enclosure: the equipment enclosure will be located in the
southwest corner of the Oak Canyon Junior High Field area. It will be landscaped
44 and bound by a block wall. The block wall will consist of a combination of
textures and match the junior high building in architecture and color. The
46 enclosure will be topped by a sloped cover of fencing material that will not be
visible from the ground, but is designed to funnel playground balls back to the
48 ground.

- 2 4. Fees: the city council strongly encourages the district to leave the lease fees
collected with Oak Canyon Junior High School. In the case of a second locator,
4 the lease fees shall go to the Lindon and Rocky Mountain Elementary Schools.
5. Agreement with the City: The final agreement shall be substantially the form as
6 submitted and as agreed to by the parties. The mayor is given the authority to
review and sign the agreement for the city after modifications are made.

8
Mr. Florence stated City code 5.07 governs telecommunication facilities in
10 Lindon City; City code 5.07 encourages the co-location of antennas over adding new
antennas within the City; Cells towers must be of a stealth design unless approved by the
12 City Council. Notices were mailed on September 27, 2019 to adjoining property owners
in accordance with Lindon City Code Section 17.14.50 Third Party Notice and staff has
14 received no public comment(s) at this time.

Mr. Florence indicated T-Mobile has provided an analysis that shows that due to
16 lack of coverage, addition service coverage in this area is needed and the applicant is
requesting to co-locate on three existing towers. Staff has requested that T-Mobile file for
18 a conditional use permit amendment because the 2001 conditional use permit specifically
called out that the tower could not be taller than 80'. City ordinance 5.07.070 allows by
20 right for co-location purposes that a cell tower height may be extended one time up to
20'. With this ordinance allowance, the planning commission is basically memorializing
22 the new height in the amended conditional use permit.

Mr. Florence explained due to overheating problems with the existing tower, the
24 applicant is proposing that the increased height portion be wider in diameter than the
existing tower and the outer shell be perforated. The diameter of the new section will be
26 42". The existing width is 36". The applicant is also proposing to replace the outer 36"
shell covering the lower Sprint antennas with the same perforated metal but the diameter
28 will remain the same 36" diameter. The applicant is proposing to keep the flag pole
stealth design. The planning commission needs to evaluate whether this new design
30 meets the intent of the stealth design.

Staff is proposing to modify a few of the existing conditions.

- 32 • Existing condition 1 reads: "Because the towers will be designed to collapse
within themselves, they will be placed as close as possible to 200 S. and closer
34 than the setback allowance requires to the homes to the west of the structure."
 - 36 ○ The problem with this condition is that the poles are not telescopic and are not
designed to collapse within themselves. Staff is unsure why there was a
change in design from what the City Council originally approved and the
38 poles were not designed as discussed. Staff proposes that the condition be
updated as follows: "The towers will be placed as close as possible to 200 S.
40 and closer than the setback allowance requires to the homes to the west of the
structure."
- 42 • Existing condition 4 reads: "the city council strongly encourages the district to
leave the lease fees collected with Oak Canyon Junior High School. In the case of
44 a second locator, the lease fees shall go to the Lindon and Rocky Mountain
Elementary Schools."
 - 46 ○ Staff has removed this condition. The City feels that this is a good
recommendation but should not be required as a condition. If the planning
48 commission feels like this should be addressed then a recommendation could

2 still be made outside of the approved conditions. This recommendation can be
forwarded on to Alpine School District

- 4 • Existing condition 5 reads: “The final agreement shall be substantially the form as
submitted and as agreed to by the parties. The mayor is given the authority to
6 review and sign the agreement for the city after modifications are made.
 - 8 ○ Staff has amended this condition to read: “Any prior agreements signed for
this application will remain in affected unless amended by the parties”

10 Mr. Florence then referenced the following exhibits for discussion, Aerial photo
of the site and surrounding area, Applicant Letter, Simulated renderings, Coverage
12 Analysis, Construction Plans, Structural Report, Crown Castle Authorization, Agreement
with Alpine School District, FCC Authorizations, 2001 Lindon City Council Meeting
14 Minutes. Mr. Florence then went over the five conditions included in 2005

Chairperson Call called for any public comment at this time. Diana, attendee,
16 stated they appreciate getting the meeting notice in the mail. One of their concerns is their
view of Timpanogos from their front window. They don’t want the towers any bigger and
18 if they do go higher then please don’t have the flags, as they are not flag poles. The
office in the basement of their house barely get the coverage they need. Will the signal
20 interfere with their AT&T service and if there is an interference is there a recourse? The
applicant stated he is not aware of one signal degrading another signal.

22 Chairperson Call pointed out when these were installed, they were used as flag
poles and they will remain white. She also asked if Oak Canyon still receives money
24 from the lease of the cell towers as when they first went in this was the hope that the
school would get the money. The applicant stated that was an agreement with Alpine
26 School District. Mr. Florence stated they removed it from the conditions because there is
already and agreement with ASD and is not a required condition of a third party.

28 Commissioner Kallas stated he personally does not have a problem with it. As the
equipment is in a fenced area with a block wall. Commissioner Kallas also said that does
30 not eliminate the issue of collapsing on itself and he wonders if we should leave the first
condition in because it was approved that way.

32 Chairperson Call agreed as far as each tower should be fenced, should we leave it
the way it is. The applicant noted the cell tower carries a stigma. There are benefits and
34 infrastructure is growing. We want to be unobtrusive as possible and we want to keep it
in excellent condition; it will just be a little higher. Brian Haws, City Attorney
36 commented when the federal government came in and said that cell towers are critical
infrastructure and they must have conditions.

38 Chairperson Call called for any comments or discussion from the Commission.
Hearing none she called for a motion with condition number one added back in.

40
COMMISSIONER KALLAS MOVED TO APPROVE THE APPLICANT’S
42 REQUEST TO AMEND THE APPROVED 2001 CONDITIONAL USE PERMIT
WITH THE FOLLOWING CONDITIONS: 1. BECAUSE THE TOWERS WILL BE
44 DESIGNED TO COLLAPSE WITHIN THEMSELVES, THEY WILL BE PLACED AS
CLOSE AS POSSIBLE TO 200 S. AND CLOSER THAN THE SETBACK
46 ALLOWANCE REQUIRES TO THE HOMES TO THE WEST OF THE STRUCTURE.
2. THE SITE WILL BE LOCATED NORTH OF THE TURN-AROUND AT 200 S.
48 AND ABOUT 800 E. AND THE EQUIPMENT ENCLOSURE WILL BE LOCATED

2 NEAR THE SOUTHWEST CORNER OF THE OAK CANYON JUNIOR HIGH
SCHOOL FIELDS. THE TOWERS WILL BE PLACED AS CLOSE AS POSSIBLE TO
4 200 S. AND CLOSER THAN THE SETBACK ALLOWANCE REQUIRES TO THE
HOMES TO THE WEST OF THE STRUCTURE; 3. THE SITE WILL CONSIST OF A
6 THREE-FLAGPOLE CONFIGURATION, WITH A MAXIMUM HEIGHT OF 92'9"
OR LESS. THE COLOR WILL BE ENVIRONMENTALLY COMPATIBLE AND
8 BLEND WITH THE SKYLINE. THE LANDSCAPING WILL INCORPORATE A
RAISED PLANTER, ACCENT LIGHTING, A POLE LANYARD AND A LOCK BOX;
10 4. AS PER CITY CODE 5.07.070 THE INCREASE HEIGHT EXTENSION IS
ALLOWED ONLY ONCE PER TOWER AND MAY NOT BE EXTENDED
12 FURTHER FOR THE THREE CELLS TOWERS; 5. THE APPLICANT WILL
SUBMIT FULL STRUCTURAL ENGINEERING PLANS TO BE APPROVED BY
14 THE CITY AS PART OF THE BUILDING PERMIT APPROVAL; 6. THE
EQUIPMENT ENCLOSURE WILL BE LOCATED IN THE SOUTHWEST CORNER
16 OF THE OAK CANYON JUNIOR HIGH FIELD AREA. IT WILL BE LANDSCAPED
AND BOUND BY A BLOCK WALL. THE BLOCK WALL WILL CONSIST OF A
18 COMBINATION OF TEXTURES AND MATCH THE JUNIOR HIGH BUILDING IN
ARCHITECTURE AND COLOR. THE ENCLOSURE WILL BE TOPPED BY A
20 SLOPED COVER OF FENCING MATERIAL THAT WILL NOT BE VISIBLE FROM
THE GROUND, BUT IS DESIGNED TO FUNNEL PLAYGROUND BALLS BACK
22 TO THE GROUND; 7. ANY PRIOR AGREEMENTS SIGNED FOR THIS
APPLICATION WILL REMAIN IN AFFECTED UNLESS AMENDED BY THE
24 PARTIES; 8. ALL ITEMS OF THE STAFF REPORT. COMMISSIONER
MARCHBANKS SECONDED THE MOTION. THE VOTE WAS RECORDED AS
26 FOLLOWS:

CHAIRPERSON CALL	AYE
28 COMMISSIONER KALLAS	AYE
COMMISSIONER JOHNSON	AYE
30 COMMISSIONER MARCHBANKS	AYE
COMMISSIONER THOMPSON	AYE
32 COMMISSIONER SCHAUERS	AYE

THE MOTION CARRIED UNANIMOUSLY.

- 34
- 36 **7. Public Hearing – A recommendation to the Lindon City Council to amend
the Lindon City Standard Land Use Table and other relative zoning codes to
include medical cannabis production establishments.** Lindon City requests an
38 amendment to the Standard Land Use Table and relative zoning codes to include
Medicinal Cannabis production establishments thus, allowing the city to
40 determine the most appropriate location for this use.

42 COMMISSIONER MARCHBANKS MOVED TO OPEN THE PUBLIC
HEARING. COMMISSIONER THOMPSON SECONDED THE MOTION. ALL
44 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

46 Mr. Florence led this discussion by giving a brief overview of this item explaining
The Utah State Legislature has enacted Chapter 41a of Title 4 of the Utah Code, allowing
48 for the establishment of Cannabis Production Establishments and requiring municipalities

2 to allow Cannabis Production Establishment to be maintained as a permitted use in at
4 least one agricultural or industrial zone and has set specific requirements associated with
such a use. He then turned the time over to City Attorney, Brian Haws for comment.

6 Mr. Haws stated the Utah State Legislature has enacted Chapter 61a of Title 26 of
the Utah Code, requiring municipalities to allow Medical Cannabis Pharmacies to be
8 maintained as a permitted use in any zone not established primarily for residential use
and has set specific requirements associated with such use. Chapter 41a of Title 4 and
Chapter 61a of Title 26 of the Utah Code allows Lindon City to enact regulations and
10 conditions upon Cannabis Production Establishments and Cannabis Pharmacies and to
specify which zoning district will be designated for Cannabis Production Facilities as a
12 permitted use. The City is proposing to create a new overlay zone titled Light Industrial –
West Overlay, and is proposing that Cannabis Production Establishments will be
14 permitted within this overlay.

16 Mr. Haws further noted if the City does not adopt an ordinance designating at
least one zone where Cannabis Production Facilities are permitted uses, then, by default
under the state law, Cannabis Productions Facilities are deemed to be permitted uses in
18 all industrial and agricultural zones within the city. City staff are proposing amendment
to the Standard Land Use Table, and Chapters 17.18, 17.40, 17.49, 17.25, 17.79
20 establishing the Light Industrial West zoning district. State code allows municipalities to
regulate or limit outdoor cultivation of cannabis in industrial zones and city staff are
22 proposing that outdoor cultivation be prohibited in the Light Industrial - West overlay.
The City will be noticing all property owners within this proposed zoning overlay
24 designation area of the proposed zone changes. At this time Mr. Florence and Mr. Haws
requested this item be continued to the next meeting.

26 Chairperson Call called for any comments or discussion from the Commission.
Hearing none she called for a motion to close the public hearing.

28
30 COMMISSIONER THOMPSON MOVED TO CLOSE THE PUBLIC HEARING
AND CONTINUE TO ANOTHER DATE. COMMISSIONER MARCHBANKS
32 SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION
CARRIED.

34 Chairperson Call called for any comments or discussion from the Commission.
Hearing none she called for a motion to continue.

36
38 COMMISSIONER THOMPSON MADE A MOTION TO CONTINUE
ORDINANCE AMENDMENT 2019-17-O. COMMISSIONER KALLAS SECONDED
THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

40	CHAIRPERSON CALL	AYE
	COMMISSIONER KALLAS	AYE
42	COMMISSIONER JOHNSON	AYE
	COMMISSIONER MARCHBANKS	AYE
44	COMMISSIONER THOMPSON	AYE
	COMMISSIONER SCHAUERS	AYE
46	THE MOTION CARRIED UNANIMOUSLY.	

5. **New Business: Reports by Commissioners** – Chairperson Call called for any new business or reports from the Commissioners.

Commissioner Johnson asked for an update on the dance home occupation on 2nd South and Main. Mr. Florence stated they have hired an engineer and will be filing for a zone change for a residential, businesses overlay and site plan approval. They are putting in sidewalk, curb, gutter and landscaping. He noted staff has been working with them quite a bit over the past few months.

Commissioner Thompson questioned the new commercial farm zone (Walker Farms) and if it has moved further north from the original plans. Mr. Florence showed the original staff report noting it is in compliance.

Commissioner Kallas asked for an update on the new reception center on Gillman Lane pointing out they are working at the site. Mr. Florence indicated they are approved to do site work and they did apply for a fence permit yesterday. They also hired a structural engineer who submitted plans to contractually correct the wall. They are putting in additional footings and hired a contractor to do the south side by the residential. Chairperson Call expressed her appreciation for the opportunity to go to the American Planning Conference noting it was a good event and very informative.

6. Planning Director Report –

- General City Updates

Chairperson Call called for any further comments or discussion. Hearing none she called for a motion to adjourn.

ADJOURN –

COMMISSIONER SCHAUERS MADE A MOTION TO ADJOURN THE MEETING AT 8:50 PM. COMMISSIONER THOMPSON SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Approved – October 22, 2019

Sharon Call, Chairperson

Michael Florence, Planning Director

Item: 4 - Ordinance Amendment Lindon City Development Manual

Date: October 22, 2019
Applicant: Lynn Walker
Presenting Staff: Anders Bake

Type of Decision: Legislative

Council Action Required: Yes, the planning commission is the recommending body on this application.

MOTION

I move to recommend (*approval, denial, to continue*) (of) ordinance amendment 2019-19-O (*as presented, or with changes*).

Overview:

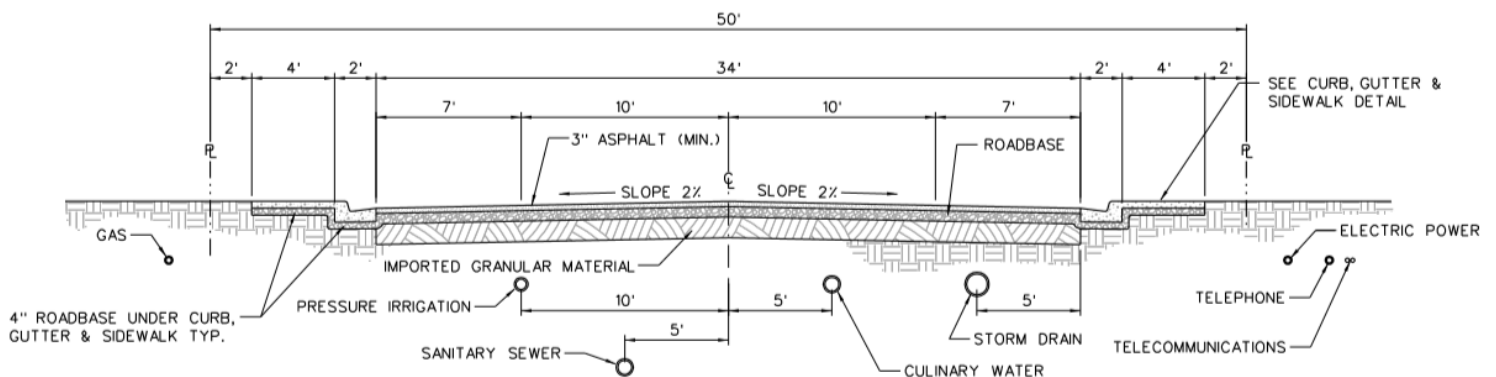
- Lynn Walker is proposing to amend the Lindon City Development Manual and proposes an alternative public street cross-section that would be available for all new local streets.
- Mr. Walker is planning to apply for subdivision approval at a future day for his property at approximately 850 E. Center street and would like to use the proposed cross-section for this subdivision.
- The proposed cross-section design includes an 8-foot park strip between the back of the street curb and the sidewalk which is similar to approved cross-sections in nearby cities.
- In the proposed cross-section the private property line will be two feet behind the back of the curb. The remaining six feet of park strip and the 5-foot sidewalk will be within a public sidewalk easement and not be part of the public right of way. A number of cities in Utah County have gone to this cross-section as a development option. The public still has the same access rights as if the sidewalk were in the public right-of-way.

Cross-Section Comparison

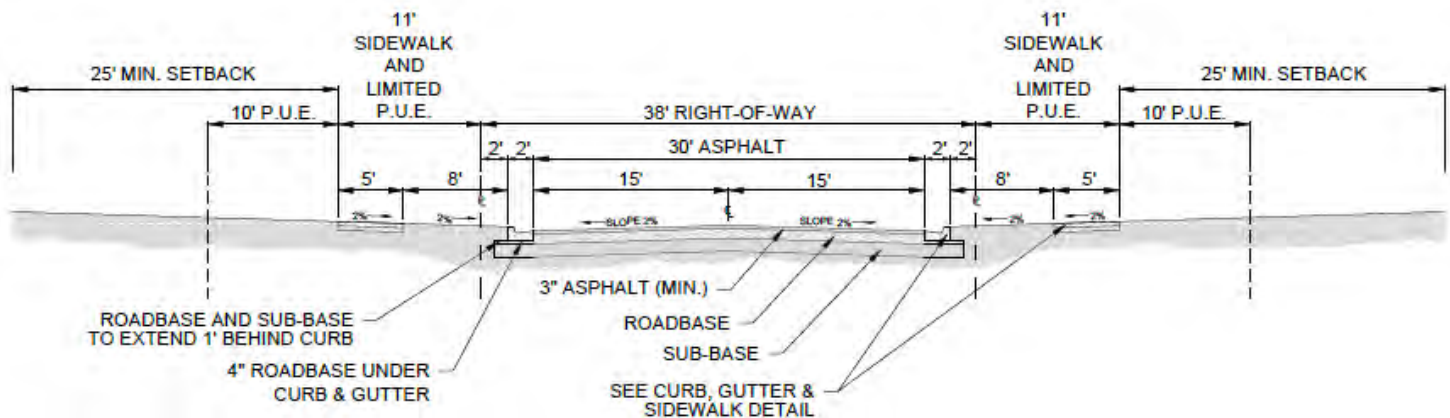
The following table compares the city's current street standards with the proposed cross-section requirements.

Width Requirements	Current Street Standards	Proposed Cross-Section Standards
Asphalt	34'	30'
Curb and Gutter	2'	2'
Planter Strip	0'	8'
Sidewalk	4'	5'
Building setback from back of curb	36'	38'

Current Street Standards



Proposed Street Cross Section Renderings



LOCAL STREET WITH PARKSTRIP - 38' RIGHT-OF-WAY

Analysis

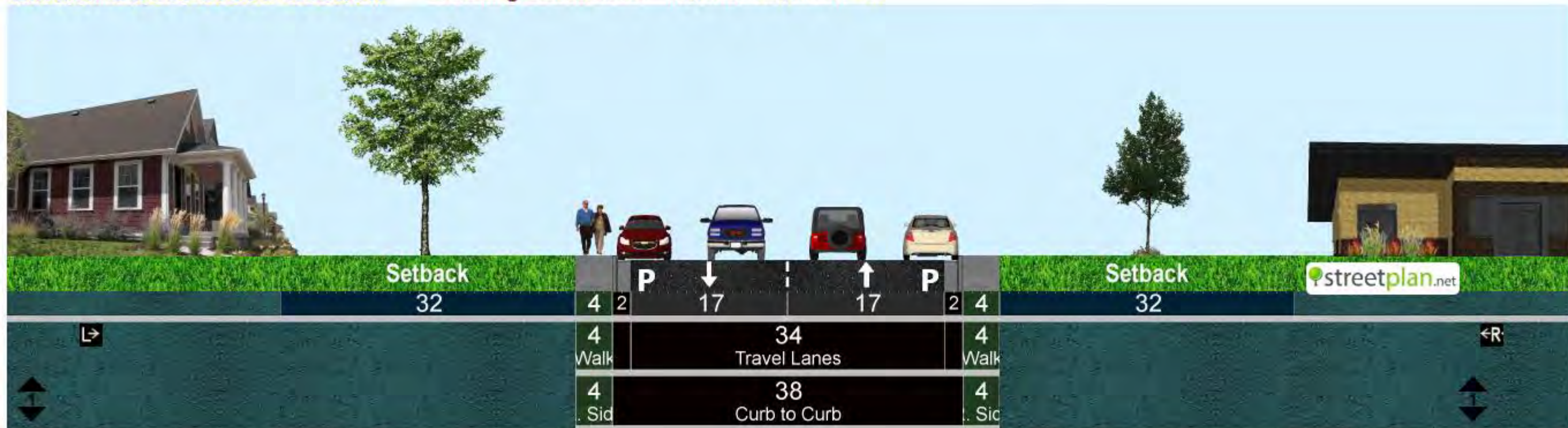
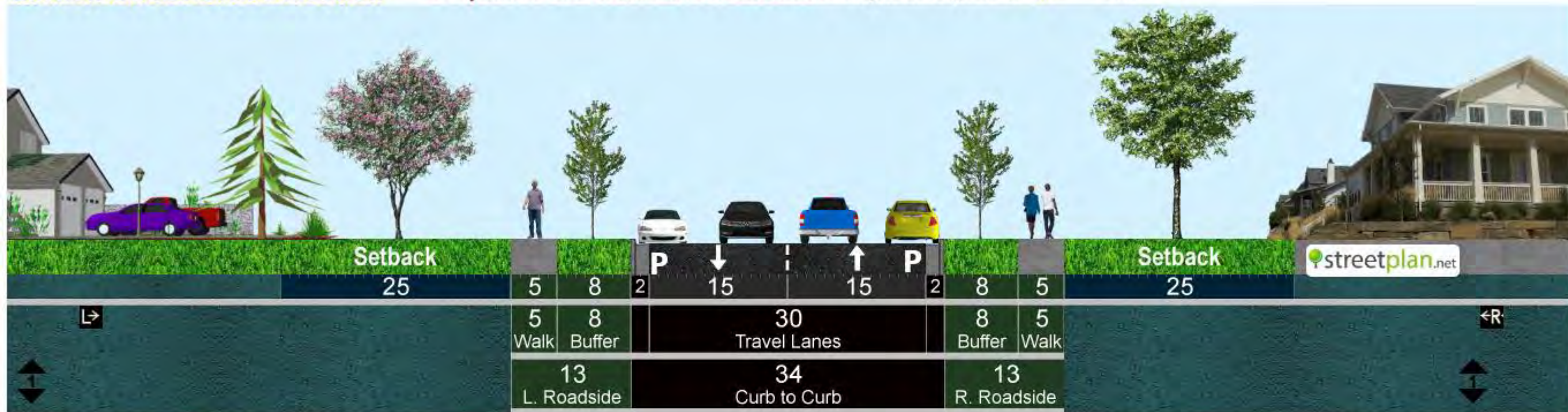
The proposed cross-section amendment to the Development Manual will give future developments in Lindon the opportunity to implement alternative street requirements. The decrease in Asphalt width from 34 feet to 30 feet will continue to give personal vehicles and emergency vehicles adequate traveling space with parking permitted on both sides the of the street. A slightly narrower road and larger sidewalks, that are separated from the road, will increase pedestrian comfort and safety in neighborhoods that implement the proposed cross-section.

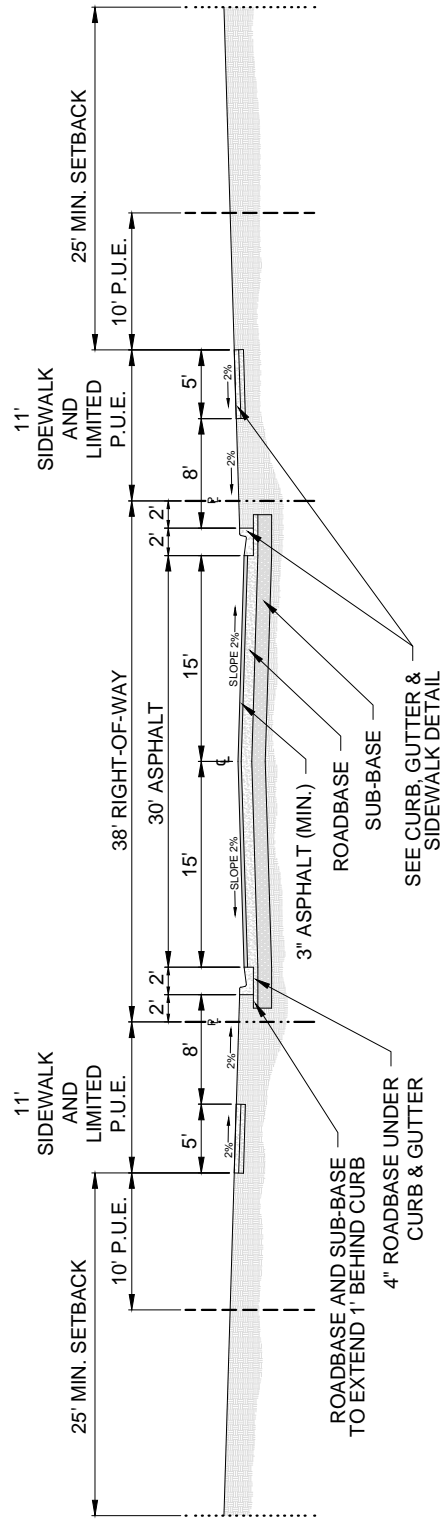
Exhibits

Cross-Section Comparison Renderings

Proposed Development Manual Cross-Section Amendment

Future Walker Farms Subdivision Property





LOCAL STREET WITH PARKSTRIP - 38' RIGHT-OF-WAY

NOTES:

1. UTILITY LOCATIONS AND NOTES APPLY AS SHOWN ON THE "STANDARD STREET CROSS SECTIONS AND UTILITY LOCATIONS" STANDARD DRAWING (STD DWG #2a).
2. IMPORTED GRANULAR MATERIAL (I.E. SUB-BASE), ROADBASE, AND, WHERE NECESSARY, ASPHALT THICKNESS, WILL BE DETERMINED BY SOILS REPORT / PAVEMENT DESIGN.
3. MINIMUM OF 4" UNTREATED BASE COURSE (ROADBASE) UNDER CURB & GUTTER AND 8" UNDER STREET PAVEMENT UNLESS MORE REQUIRED BY SOILS REPORT / PAVEMENT DESIGN.
4. ROADBASE AND SUB-BASE SHALL EXTEND 1' MIN. BEHIND CURB AND GUTTER DUE TO LACK OF SIDEWALK ADJACENT TO CURB.
5. THE LIMITED P.U.E. ONLY ALLOWS BURIED UTILITY LINES TO CROSS PERPENDICULAR TO THE STREET, AND DOES NOT ALLOW UTILITY LINES OR STRUCTURES THAT RUN PARALLEL TO THE STREET. (USE P.U.E. FOR THOSE RUNNING PARALLEL TO THE STREET.)



Item: 5 Amended Site Plan Approval – doTerra Warehouse Building

Date: October 22, 2019

Project Address: 2010 W. 400 N.

Applicant: DoTerra International
Property Owner: Valley Properties, LLC

General Plan: Commercial
Current Zone: Light Industrial

Parcel ID: 14:059:0048, 14:059:0026

Type of Decision: Administrative

Council Action Required: No

Presenting Staff: Michael Florence



Summary of Key Issues

1. Doterra International is completing their warehouse and call center for their new site in Lindon. DoTerra changed the exterior colors and paint design from what was originally approved by the planning commission. Since the planning commission was the land use authority on this item, it is **staff's** recommendation that the planning commission should provide approval of the change in color and paint design.
2. The fencing along 400 N. was also modified from what was originally approved by the planning commission and this should also be reviewed by the planning commission.
3. City staff was not made aware of changes to the paint colors and fencing until after the changes had been made
4. According the architect, the color and paint design was changed to match the color of the new call center office building and to also set this project apart from the Pleasant Grove campus. The fence was changed due to their budget not supporting the fence that was originally proposed.
5. While the primary color (Early Evening) is lighter than what is called out on the color palette, staff feels like it can be considered an earth tone color. In addition, the ordinance allows for accent colors which the purple (Palisade Orchid) could be considered.

Regional Commercial Code

17.54.050

3. Texture, Colors, Finishes.

- a. Avoid large areas of the same color and/or materials with no relief. Conversely, avoid the use of too many materials and/or colors, which may create busy or incongruous façades.
- b. Earth tones are generally preferred over harsh or loud colors, except where more vibrant colors are used as accents to the primary colors. A color palette of Utah earth tones as found in the Lindon City Commercial Design Standards is to be used as a reference guide to color selections in developments.
- c. Simplicity is encouraged regarding color. Excessive amounts of different colors should not be used. Brighter colors are recommended for use as accents only.
- d. Vary colors and materials to break up the monotony in larger developments.

Motion

I move to (*approve, deny, continue*) the **applicant's request for** amended site plan approval with the change in colors and fencing materials.

Exhibits

1. 2018 architectural approval plan
2. Photos of current plan
3. Colors provided by the applicant
4. Adopted Lindon City color palette
5. Fence information



OFFICE ENTRANCE - LOOKING SOUTHWEST
doTERRA Distribution Center | Lindon, Utah



OFFICE ENTRANCE - LOOKING NORTHWEST
doTERRA Distribution Center | London, Utah



400 NORTH - LOOKING NORTHEAST
doTERRA Distribution Center | Lindon, Utah

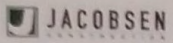
Exhibit 2











SUBMITTAL PACKAGE FOR APPROVAL
17040-doTERRA Distribution Center
Date: 05/14/2018
Package No.: 118
Package Rev.: 1
Spec No.: 059103

doTerra Fisher Painting

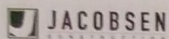
Palisade Orchid

PPG 1178-5

Speedhide EXT.

Flat





SUBMITTAL PACKAGE FOR APPROVAL

17540-doTERRA Distribution Center

Date: 05/14/2019

Package No.: 119

Package Rev.: 1

Spec No.: 089103

doTerra

Fisher Painting

Antique Silver
PPG 1002-5
Speedhide EXT.
Flat





SUBMITTAL PACKAGE FOR APPROVAL

17840-doTERRA Distribution Center

Date: 05/14/2019

Package No.: 119

Package Rev.: 1

Spec No.: 099103

doTerra

Fisher Painting

Early Evening
PPG 1006-3
Speedhide EXT.
Flat

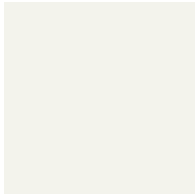




Color Chart

Select (1) Base Coat Color & (2) Highlight colors. Mockup will be onsite as a first install.

Colors



White



Limestone



Sunset



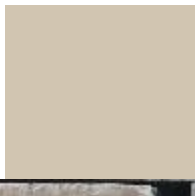
Harvest Gold



Nutmeg



Khaki Bronze



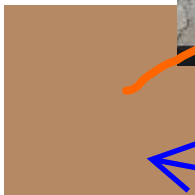
Washed Suede



Smokey Beige



Terra Cotta



Sepia



Chestnut



Western Cedar



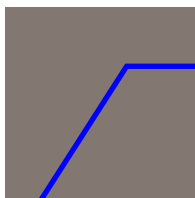
Cocoa Brown



Dark Walnut



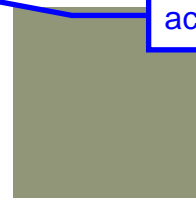
Plum



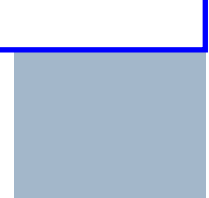
Taupe



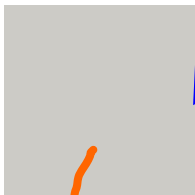
Brick Red



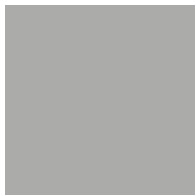
Island Spruce



Blue Slate



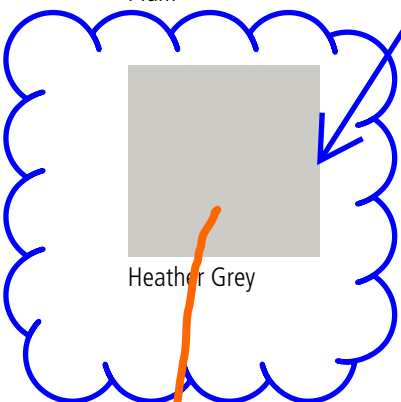
Heather Grey



Stonewall



Deep Grey



accent

accent

Base

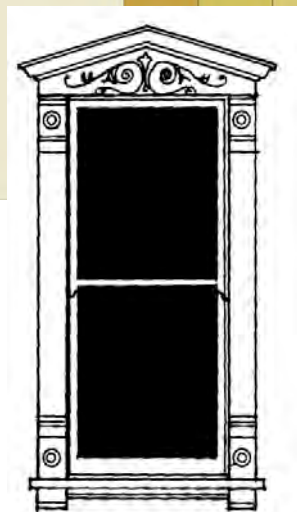
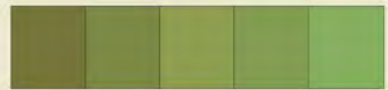
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IV. Utah Mountain Desert Color Palette



Utah Mountain Desert Color Palette

Primary Colors



Item: 6 - Ordinance Amendment

Lindon City Development Manual

Date: October 22, 2019

Applicant: Lindon City

Presenting Staff: Brian Haws and Michael Florence

Type of Decision: Legislative

Council Action Required: Yes, the planning commission is the recommending body on this application.

MOTION

I move to recommend (*approval, denial, or continuation*) of ordinance amendment 2019-17-O (or *as presented, with changes*).

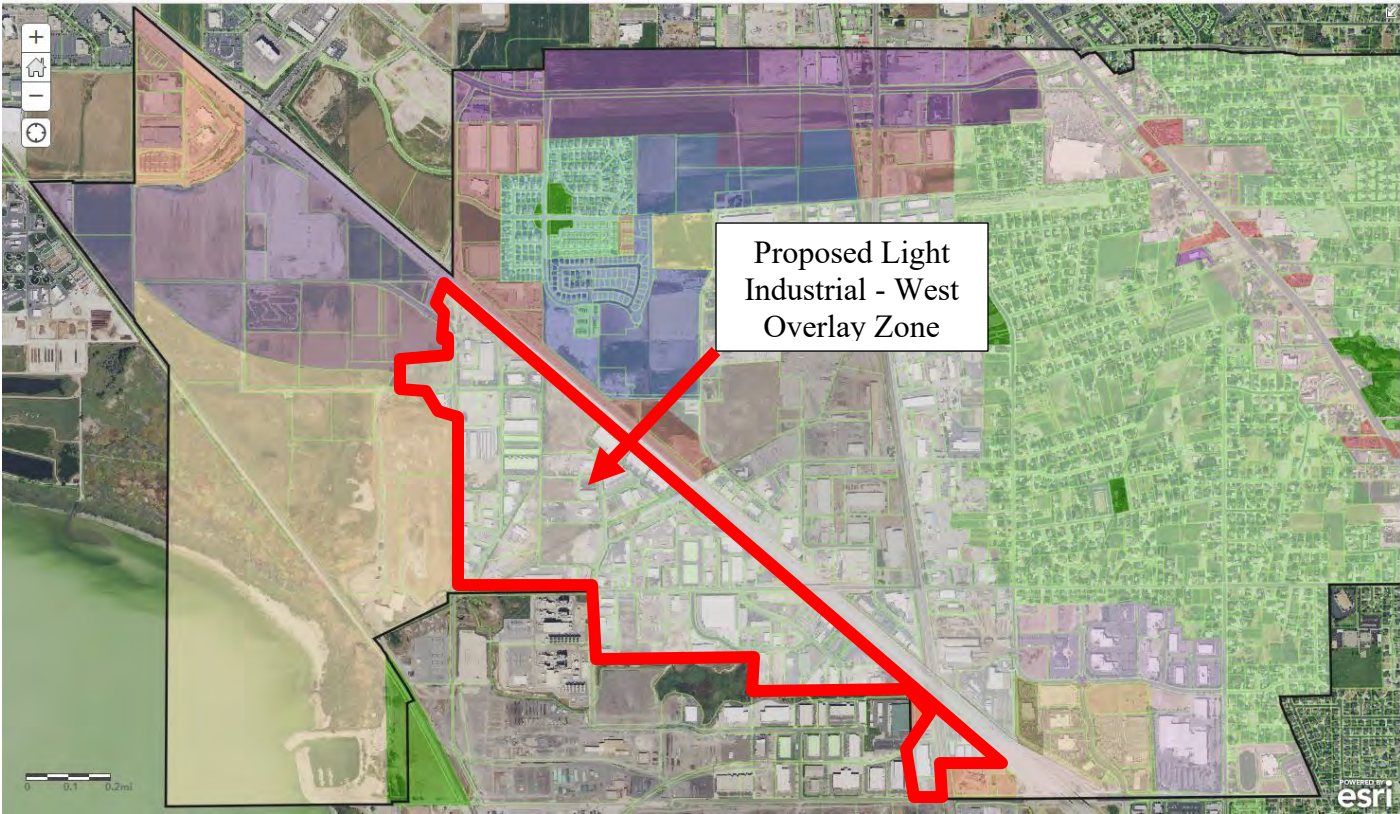
Summary

This item was continued from the October 8, 2019 planning commission to give time for city staff to notice the property owners in the proposed Light Industrial West Overlay area of the zone change.

Overview:

- The Utah State Legislature has enacted Chapter 41a of Title 4 of the Utah Code, allowing for the establishment of Cannabis Production Establishments and requiring municipalities to allow Cannabis Production Establishment to be maintained as a permitted use in at least one agricultural or industrial zone and has set specific requirements associated with such a use.
- The Utah State Legislature has enacted Chapter 61a of Title 26 of the Utah Code, requiring municipalities to allow Medical Cannabis Pharmacies to be maintained as a permitted use in any zone not established primarily for residential use and has set specific requirements associated with such use.
- Chapter 41a of Title 4 and Chapter 61a of Title 26 of the Utah Code allows Lindon City to enact regulations and conditions upon Cannabis Production Establishments and Cannabis Pharmacies and to specify which zoning district will be designated for Cannabis Production Facilities as a permitted use.
- The City is proposing to create a new overlay zone titled Light Industrial – West Overlay, and is proposing that Cannabis Production Establishments will be permitted within this overlay.
- If the City does not adopt an ordinance designating at least one zone where Cannabis Production Facilities are permitted uses, then, by default under the state law, Cannabis Production Facilities are deemed to be permitted uses in all industrial and agricultural zones within the city.
- City staff are proposing amendment to the Standard Land Use Table, and Chapters 17.18, 17.40, 17.49, 17.25, 17.79 establishing the Light Industrial West zoning district.
- State code allows municipalities to regulate or limit outdoor cultivation of cannabis in industrial zones and city staff are proposing that outdoor cultivation be prohibited in the Light Industrial - West overlay.
- The City will be noticing all property owners within this proposed zoning overlay designation area of the proposed zone changes.

Proposed Light Industrial West Zoning District



Ordinance No. 2019-17-O

AN ORDINANCE AMENDING CHAPTER 17 OF THE LINDON CITY CODE AMENDING THE STANDARD LAND USE TABLE TO CLASSIFY CANNABIS PRODUCTION ESTABLISHMENTS AND MEDICAL CANNABIS PHARMACIES AS PERMITTED USES IN SPECIFIED ZONING DISTRICTS, ENACTING CHAPTER 79 OF TITLE 17 GOVERNING CANNABIS PRODUCTION ESTABLISHMENTS AND MEDICAL CANNABIS PHARMACIES, AND ENACTING/AMENDING SECTIONS 17.49.025, 17.40.010, AND 17.18.070, TO COMFORM TO STATE REQUIREMENTS AND TO ESTABLISH THE LIGHT INDUSTRIAL - WEST ZONING DISTRICT (OVERLAY).

WHEREAS, The Utah State Legislature has enacted Chapter 41a of Title 4 of the Utah Code, allowing for the establishment of Cannabis Production Establishments and requiring municipalities to allow Cannabis Production Establishment to be maintained as a permitted use in at least one agricultural or industrial zone and has set specific requirements associated with such use; and

WHEREAS, The Utah State Legislature has enacted Chapter 61a of Title 26 of the Utah Code, requiring municipalities to allow Medical Cannabis Pharmacies to be maintained as a permitted use in any zone not established primarily for residential use and has set specific requirements associated with such a use; and

WHEREAS, Chapter 41a of Title 4 and Chapter 61a of Title 26 of the Utah Code allows Lindon City to enact regulations and conditions upon Cannabis Production Establishments and Cannabis Pharmacies and to specify which zoning district will be designated for Cannabis Production Facilities as a permitted use; and

WHEREAS, The Lindon City Council finds that it is in the public's best interest to take advantage of existing physical division that I-15 creates between residential uses on the eastside of the freeway and light industrial uses on the west to allow for Cannabis Production Facilities as a permitted use in light industrial areas west of I-15; and

WHEREAS, The Lindon City Council finds that it is in the public's best interest to establish regulations and conditions on Cannabis Production Facilities and Medical Cannabis Pharmacies relating to cultivation, parking, signage, and business operations and licensing and that such regulations do not conflict with the state code.

NOW THEREFORE, BE IT ORDAINED by the City Council of Lindon City, Utah, as follows:

PART ONE: **Amendment of the Lindon City Standard Land Use Table**

The following uses are hereby added to the Lindon City Land Use Table:

Under Manufacturing

Parking Group	Permitted Primary Use	Residential	Mix Rec.		Commercial							Industrial			R/B
		R1-12,R1-20, R)	RMU -W	RUM -E	PC -1	PC -2	CG	CG -A	CG A8	CG -S	MC	HI	LI	<u>LI</u> <u>W</u>	
<u>2000</u>	<u>Cannabis Production Establishment</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>N</u>

And under Retail Trade

Parking Group	Permitted Primary Use	Residential	Mix Rec.		Commercial							Industrial			R/B
		R1-12,R1-20, R)	RMU -W	RUM -E	PC -1	PC -2	CG	CG -A	CG A8	CG -S	MC	HI	LI	<u>LI</u> <u>W</u>	
<u>5300</u>	<u>Medical Cannabis Pharmacy</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

PART TWO: Enactment of Chapter 17.79, Cannabis Production Establishments and Medical Cannabis Pharmacies

Title 17 of the Lindon City Code is hereby amended to include Chapter 17.79, which Chapter is adopted and enacted to read as follows:

CHAPTER 17.79 CANNABIS PRODUCTION ESTABLISHMENTS AND MEDICAL CANNABIS PHARMACIES

17.79.010 Definitions

17.79.020 Permitted Use - Permit Required

17.79.030 Standards

17.79.040 Proximity to Community Locations and Residential Zones

17.79.050 Outdoor Cultivation

17.79.060 Business License

17.79.010 Definitions

Community Locations means all public or private schools, licensed childcare facilities, preschools, churches, public libraries, and all public playgrounds and parks.

Cannabis Production Establishment means a Cannabis Cultivation Facility, a Cannabis Processing Facility, or an Independent Cannabis Testing Laboratory as defined by Section 4-41a-101 of the Utah Code, as may be amended.

Medical Cannabis Pharmacy means the same as that term is defined in Section 26-61a-102 of the Utah Code, as may be amended.

Zones Established Primarily for Residential Use, for purposes of this Chapter and any applicable state law means the following zoning districts in Lindon City.

R1-12 zone

R1-20 zone,
R3 overlay zone,
R2 overlay zone,
Residential/Business District overlay zone,
Senior Housing overlay zone, and
Anderson Farms Planned Development Zone.

The Definitions in Title 26, Chapter 61a, the Utah Medical Cannabis Act, and Title 4, Chapter 41a, Cannabis Production Establishments, of the Utah Code, as may be amended, are hereby adopted and incorporated into this Chapter.

17.79.020 Permit Required

1. Operation of a Cannabis Production Establishment shall be a permitted use in the Light Industrial-West overlay zone (LI-W).

2. Operation of a Medical Cannabis Pharmacy shall be a permitted use in all zones except those zones established primarily for residential use.

3. A Cannabis Production Establishment or Medical Cannabis Pharmacy must obtain a land use permit from Lindon City, which the City shall issue in writing upon a showing that the proposed Establishment or Pharmacy and the corresponding facilities and operations comply with the provisions of this Chapter and with Title 4, Chapter 41a or Title 26, Chapter 61a of the Utah Code, as may be applicable to the proposed use.

a. A Cannabis Production Establishment or Medical Cannabis Pharmacy seeking a land use permit shall provide the Lindon City Chief of Police a copy of its state approved security plan for securing the operations so as to prevent the theft, embezzlement or illegal use and/or distribution of cannabis from the Establishment or Pharmacy

17.79.030. Standards

1. The following Standards apply to all Cannabis Production Establishments:

a. All facilities which grow, process, test, or store cannabis shall be constructed and operated so as to prevent dust, fumes, vapors, odors or waste from escaping the facility and entering the environment next to or surrounding the Cannabis Production Establishment.

b. Cannabis Production Establishments shall comply with all other land use restrictions, regulations, requirements, and development standards for the zone in which it is located.

c. Cannabis Production Establishments shall provide parking as required in Chapter 18 of Title 17 of the Lindon City Code.

d. Signage for Cannabis Production Establishments shall comply with Title 18 of the Lindon City Code. If any conflict exists between Title 18 of the Lindon City Code and the signage requirements of Title 4, Chapter 41a of the Utah Code, Utah Code shall control.

2. The following Standards apply to all Medical Cannabis Pharmacies:

- a. No Medical Cannabis Pharmacies shall allow products distributed at the pharmacy to be visible outside of the Medical Cannabis Pharmacy.
- b. A Medical Cannabis Pharmacy shall comply with all other land use restrictions, regulations, requirements, and development standards for the zone in which it is located
- c. Medical Cannabis Pharmacies shall provide parking as required in Chapter 18 of Title 17 of the Lindon City Code.
- d. Signage for Medical Cannabis Pharmacies shall comply with Title 4 Chapter 41a of the Utah Code as well as with Title 18 of the Lindon City Code. If any conflict exists between Title 18 of the Lindon City Code and the signage requirements of Title 4, Chapter 41a of the Utah Code, the Utah Code shall control.

17.79.040 Proximity to Community Locations and Residential Zones

1. A Cannabis Production Establishment may not be located within 1000 feet of a Community Location or within 600 feet of zones established primarily for residential use.
2. Medical Cannabis Pharmacies may not be located within 200 feet of a Community Location or within 600 feet of zones established primarily for residential use.
3. The proximity requirements set forth in this Section shall be measured from the nearest entrance to a Cannabis Production Establishment or Medical Cannabis Pharmacy by following the shortest route of ordinary pedestrian travel to the boundary of Community Location or residential zone.
4. The proximity requirements set forth in this Section are subject to modification by the state as set forth in Title 4, Chapter 41a and Title 26, Chapter 61a of the Utah Code, as may be amended.

17.79.050 Outdoor Cultivation

Cannabis may not be cultivated outdoors in the Light Industrial-West overlay zone. All indoor cultivation of cannabis shall comply with the provisions for indoor cultivation established under Title 4, Chapter 41a of the Utah Code, as may be amended.

17.79.060 Business License

1. Each Cannabis Production Establishment and Medical Cannabis Pharmacy shall obtain a City business license before conducting business within Lindon City

PART THREE Amendment of Section 17.40.010 of the Lindon City Code to establish the Light Industrial - West overlay zoning district

Section 17.40.010 of the Lindon City Code is hereby amended to read as follows:

17.40.010 Establishment

For the purposes of this division the territory of Lindon City to which this division applies is divided into one or more of the following listed zoning districts as shown on the officially adopted Lindon City Zoning map:

1. Residential district, R1-20;
2. Residential district, R1-12
3. R2 Overlay;
4. General Commercial district, C-G
5. Mixed Commercial, MC;
6. Planned Commercial, PC-1;
7. Research and Business, R&B;
8. Heavy Industrial, HI;
9. Light Industrial, LI;
10. Light Industrial – West (overlay), LI-W
- ~~1011.~~ Transportation Influence Zone, T;
- ~~1112.~~ Recreation Mixed Use (East and West), RMU-E, RMU-W;
- ~~1213.~~ Public Facilities, PF;
- ~~1314.~~ Sensitive Lands District (overlay), SA;
- ~~1415.~~ Hillside Protection District (overlay), HP.

PART FOUR **Amendment of Chapter 17.49 of the Lindon City Code to adopt and enact Section 17.49.025**

Chapter 17.49 of the Lindon City Code is hereby amended to adopt and enact Section 17.49.025, LI-W Manufacturing and Distribution District Overlay, which section shall read as follows:

17.49.025 LI-West Overlay- Purpose

The purpose of the LI-West overlay district shall be the same as for the Light Industrial (LI) district, with only the addition being that of providing a reasonable area within Lindon City for the location and operation of Cannabis Production Facilities.

PART FIVE **Amendment of Section 17.18.070**

Section 17.18.070 of the Lindon City Code is hereby amended to include the following parking requirements for Cannabis Production Establishments and Medical Cannabis Pharmacies:

<u>2000</u>	<u>Cannabis Production Establishment</u>	<u>One (1) per 750 square feet of floor area.</u>
-------------	--	---

And

5300	Medical Cannabis Pharmacy	One (1) per 200 square feet of floor area
------	---------------------------	---

PART SIX: Effective Date

This ordinance shall take effect immediately upon its passage and posting as provided by law.

PASSED AND APPROVED AND MADE EFFECTIVE by the City Council of Lindon City, Utah, this ____ day of _____, 2019.

_____,
JEFF ACERSON,
Lindon City Mayor

ATTEST:

_____,
Kathy Moosman
City Recorder

Item: 7 Public Hearing – Zoning map amendment for all Light Industrial zoned properties west of Interstate 15

Date: October 22, 2019

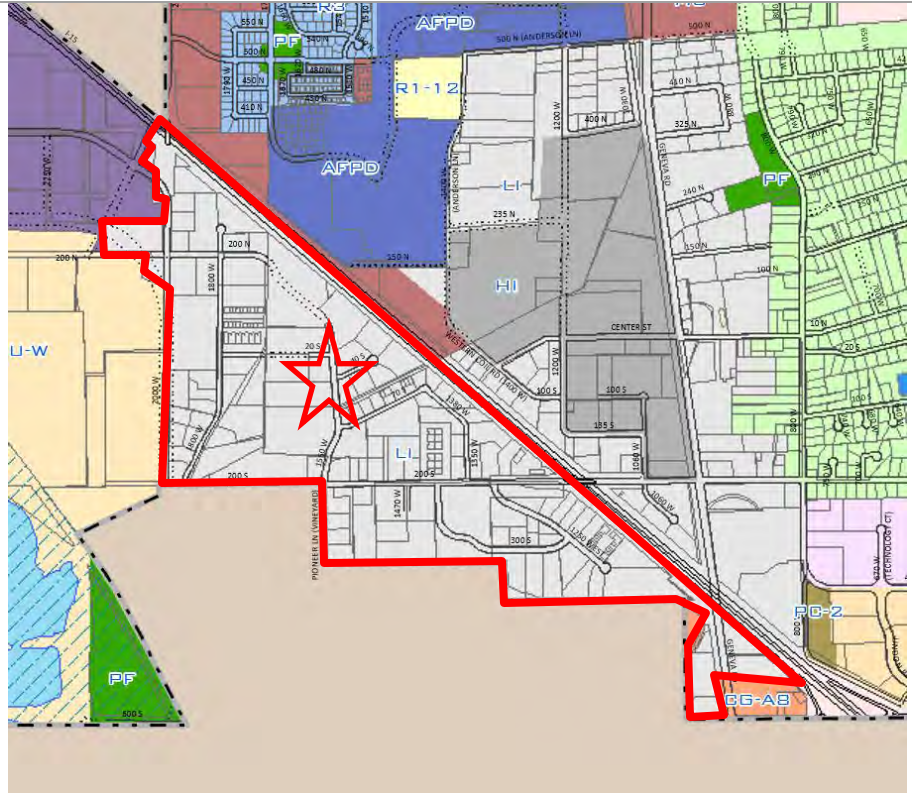
Project Address: all
Light Industrial zoned
properties west of
Interstate 15

Applicant: Lindon City

Presenting Staff:
Michael Florence

General Plan: Light
Industrial
Current Zone: R1-20

Type of Decision:
Legislative
Council Action
Required: Yes



Summary of Key Issues

1. To recommend to the City Council the designation of the Light Industrial West Overlay zone to apply to all Light Industrial zoned properties located west of Interstate 15.

Overview

1. During the 2019 Utah State Legislative Session, the Utah legislature enacted Title 4-41a of Utah Code, allowing for the establishment of Cannabis Production Establishments. While the state controls the licensing and operation of such facilities, the legislation does allow a city to restrict such facilities to either one agricultural zone or one industrial zone. If a municipality does not adopt a local land use ordinance imposing such a restriction, then Cannabis Production Establishments are deemed to be permitted uses in all agricultural or industrial zone within the City.
2. Lindon City proposes to create a Light Industrial West Overlay zoning district as a zone where Cannabis Production Establishments will be permitted uses.
3. This overlay district is proposed to encompass all properties currently zoned Light Industrial and which are located West of Interstate 15.
4. All existing uses, conditions, and regulations currently provided for in Light Industrial zone will remain the same and will be unaltered, with the only effect of the overlay being that the operation of a Cannabis Production Establishment will be a permitted use in the overlay zone.

Surrounding Zoning

West of Interstate 15 the Light Industrial zone border the Regional Commercial, Recreational Mixed-Use West, and Commercial General A-8 zones.

Zoning

The purpose of the LI-West overlay district shall be the same as for the Light Industrial (LI) district, with only the addition being that of providing a reasonable area within Lindon City for the location and operation of Cannabis Production Facilities.

17.49.020. The purpose of the LI district to provide areas in appropriate locations where light manufacturing, industrial processes and warehousing not producing objectionable effects may be established, maintained, and protected. The regulations of this district are designed to protect environmental quality of the district and adjacent areas.

Staff Analysis

State code requires that cities permit Cannabis Production Establishments in either an agricultural or industrial zone. Since the City does not have an agricultural zoning district as part of its zoning designations, staff and the city council felt it best to designate one of its industrial zones as permitted for Cannabis Production Establishments. The purpose of the Light Industrial West Overlay is to designate the Light Industrial area west of Interstate 15 as the industrial area to permit Cannabis Production Establishments. The existing Light Industrial zone west of I-15 consists of over 300 acres which would give protentional business sufficient area to find a suitable site location.

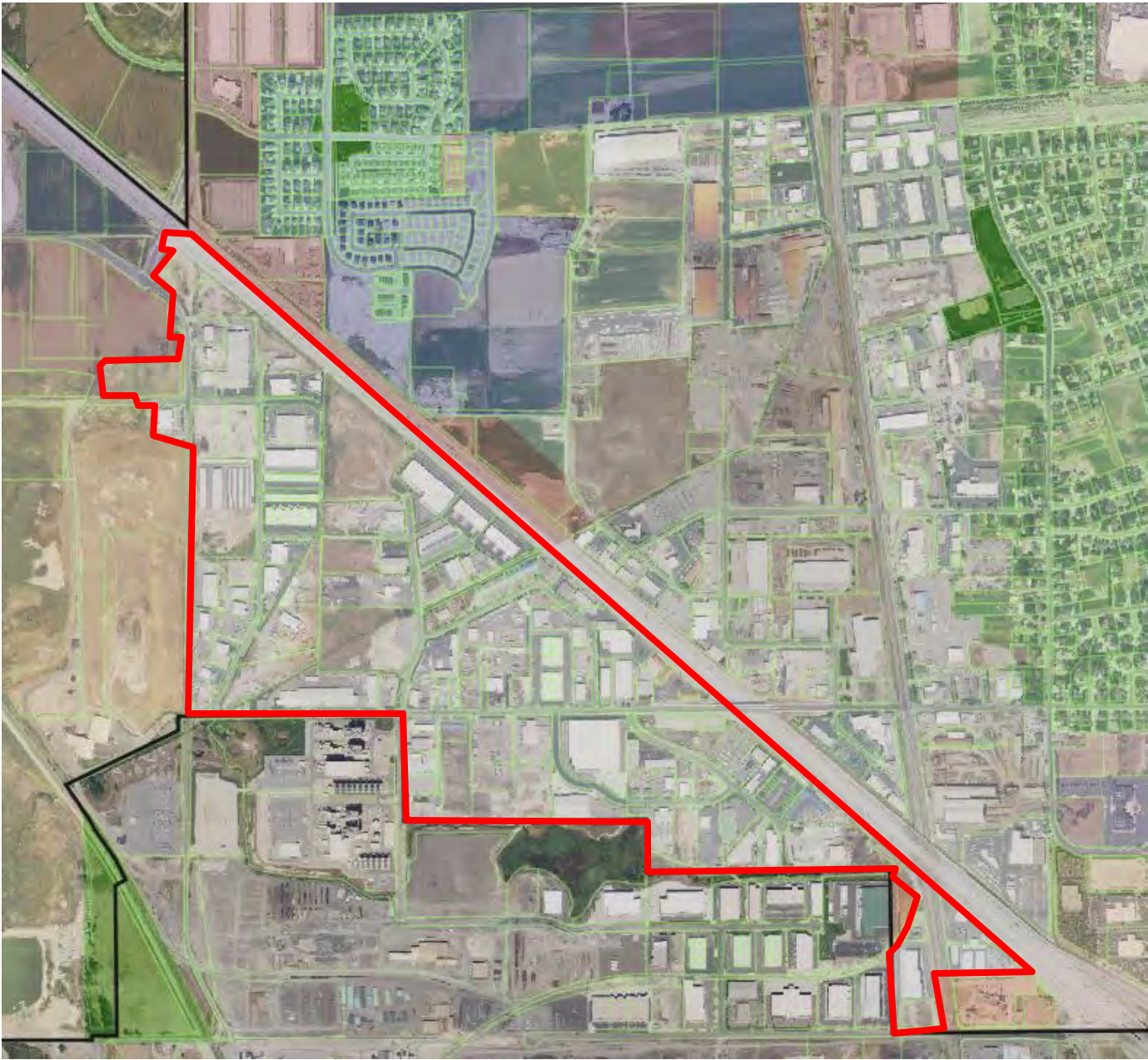
Motion

I move to recommend (approval, denial, or continuation) of ordinance 2019-18-O to amend the Lindon City zoning map and apply the Light Industrial West Overlay zoning district to all Light Industrial zoned properties west of Interstate 15.

Exhibits

1. Aerial Photo
2. Current Zoning Map
3. Proposed zoning map change with the Light Industrial West Overlay

Exhibit 1



Light Industrial West Overlay Zone

Legend

- City Boundary
- LI-West
- AFPD
- CF
- CG
- CG-A
- CG-A8
- CG-S
- RC
- HI
- LI
- LVC
- MC
- PC-1
- PC-2
- PF
- RB
- R1-12
- R1-20
- R3
- RMU-E
- RMU-W

0 0.125 0.25 0.5 Miles

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