

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**  
3 **October 22, 2019 beginning at 7:00 p.m.** at the Lindon City Center, City Council  
4 Chambers, 100 North State Street, Lindon, Utah.

6 **REGULAR SESSION – 7:00 P.M.**

8 Conducting: Sharon Call, Chairperson  
9 Invocation: Rob Kallas, Commissioner  
10 Pledge of Allegiance: Scott Thompson, Commissioner

12 <b><u>PRESENT</u></b>	<b><u>EXCUSED</u></b>
Sharon Call, Chairperson	Renee Tribe, Commissioner
14 Mike Marchbanks, Commissioner	
Rob Kallas, 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 October 8, 2019 were reviewed.

30 COMMISSIONER MARCHBANKS MOVED TO APPROVE THE MINUTES  
32 OF THE REGULAR MEETING OF OCTOBER 8, 2019 AS PRESENTED.  
COMMISSIONER THOMPSON SECONDED THE MOTION. ALL PRESENT  
VOTED IN FAVOR. THE MOTION CARRIED.

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

38 **CURRENT BUSINESS** –

40 4. **Public Hearing – A recommendation to the Lindon City Council to amend**  
42 **the Lindon City Development Manual for a new public street cross-section.**  
Lynn Walker requests Ordinance Amendment approval to amend the Lindon City  
44 Development Manual to create a new public street cross section option for  
Lindon’s local streets.

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

2 Anders Bake, Associate Planner, led this discussion by stating Mr. Todd Dudley  
is in attendance representing the applicant tonight. He noted the applicant is requesting an  
4 Ordinance Amendment approval to amend the Lindon City Development Manual to  
create a new public street cross section that would be available for all new local streets.  
6 He added the commission will make a recommendation to the city council.

8 Mr. Bake stated the applicant is planning to apply for subdivision approval at a  
future day for his property at approximately 850 East Center street and would like to use  
the proposed cross-section for this subdivision. The proposed cross-section design  
10 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  
12 private property line will be 2 feet behind the back of the curb. The remaining 6 feet of  
park strip and the 5-foot sidewalk will be within a public sidewalk easement and not be  
14 part of the public right of way. He noted a number of cities in Utah County have gone to  
this cross-section as a development option and pointed out the public still has the same  
16 access rights as if the sidewalk were in the public right-of-way.

18 Mr. Bake then referenced a Cross-Section Comparison and table comparing the  
city's current street standards with the proposed cross-section requirements  
He also presented the Current Street Standards and Proposed Street Cross Section  
20 Renderings. He noted the proposed cross-section amendment to the Development Manual  
will give future developments in Lindon the opportunity to implement alternative street  
22 requirements. He pointed out the decrease in asphalt width from 34 feet to 30 feet will  
continue to give personal vehicles and emergency vehicles adequate traveling space with  
24 parking permitted on both sides the of the street. He indicated a slightly narrower road  
and larger sidewalks, that are separated from the road, will increase pedestrian comfort  
26 and safety in neighborhoods that implement the proposed cross-section.

28 Mr. Bake then referenced the Cross-Section Comparison Renderings, Proposed  
Development Manual Cross-Section Amendment and Future Walker Farms Subdivision  
Property followed by some general discussion including who maintains the park strips.  
30 Mr. Florence stated we currently don't have standards for maintenance of park strips and  
that may be something we should discuss at a future date. He then turned the time over to  
32 Mr. Dudley for comment.

34 Mr. Dudley stated they are going to do some CC&R's in this development for  
specific types of roof pitches etc., and they will also do some landscaping. He  
commented that it does seem like when everything is new everyone takes care of it, but it  
36 can change as time goes on; this is a really nice, attractive street and well taken care of.  
He pointed out the amount they will be paying for these lots he can't imagine that they  
38 won't take care of the park strip. Following discussion, the commission was in  
agreement with CC&R's in place that will help to ensure the park strip will be nice and  
40 well taken care of as there is a lot of investment made and they will be very nice high-end  
homes. Mr. Dudley also mentioned how surrounding cites handle park strips and cross  
42 sections requirements. Commissioner Kallas said he likes this proposal but he worries  
about the maintenance and enforcement of the park strip.

44 Commissioner Kallas also asked if there is any way to make this when a  
developer comes in to develop a subdivision that they are required to put the city streets  
46 in the way they are now. In other words, would they all default to the way they are now,  
but if the developer could show that this would be a benefit to the subdivision, would we  
48 approve it. Mr. Haws stated from a legal perspective they would need some type of

2 parameters to qualify it or dis-qualify it so it's not just hit and miss on how this is  
4 applied. Mr. Florence stated they could make a recommendation that it is added to the  
6 ordinance in the motion. Mr. Haws confirmed that statement. Commissioner Marchbanks  
8 suggested sending this on to the city council with a recommendation that we clarify and  
10 define "local street" so there are no ambiguities. Mr. Florence explained we would need  
12 to do an ordinance amendment and it would have to come back to the commission. He  
noted with a recommendation we could start working on the definitions before the site  
plan comes before the commission. Mr. Dudley stated what he is hearing the cross  
section is good it's just the definition we are trying to establish, so would he be safe in  
preparing his drawings with this cross section. The commission confirmed that  
statement.

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

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

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

COMMISSIONER KALLAS MADE A MOTION TO RECOMMEND TO THE  
CITY COUNCIL APPROVAL OF ORDINANCE AMENDMENT 2019-19-O AS  
PRESENTED WITH ONE RECOMMENDATION THAT STATES "LOCAL STREET  
AS DEFINED BY CITY ORDINANCE." COMMISSIONER MARCHBANKS  
SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

CHAIRPERSON CALL	AYE
COMMISSIONER KALLAS	AYE
COMMISSIONER JOHNSON	AYE
COMMISSIONER MARCHBANKS	AYE
COMMISSIONER THOMPSON	AYE
COMMISSIONER SCHAUERS	AYE

THE MOTION CARRIED UNANIMOUSLY.

**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.

Mike Florence, Planning Director, led this discussion by stating the applicant Phil  
Hadderlie representing Doterra International is in attendance for this application. He  
explained Doterra is completing their warehouse and call center for their new site in  
Lindon. He indicated that 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 on the

2 warehouse building. He noted the fencing along 400 North was also modified from what  
4 was originally approved by the planning commission and this should also be reviewed by  
the planning commission tonight.

6 Mr. Florence indicated City staff was not made aware of changes to the paint  
colors and fencing until after the changes had been made. According the architect, the  
8 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  
10 changed due to their budget not supporting the fence that was originally proposed. While  
the primary color (Early Evening) is lighter than what is called out on the color palette,  
12 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.

14 Mr. Florence then referenced the Regional Commercial Code as follows:

14 Texture, Colors, Finishes.

- 16 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.
- 18 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  
20 earth tones as found in the Lindon City Commercial Design Standards is to be  
used as a reference guide to color selections in developments.
- 22 c) Simplicity is encouraged regarding color. Excessive amounts of different colors  
should not be used. Brighter colors are recommended for use as accents only.
- 24 d) Vary colors and materials to break up the monotony in larger developments.

26 Mr. Florence also presented the 2018 architectural approval plan, photos of  
current plan, colors provided by the applicant, adopted Lindon City color palette and  
28 fence information followed by some general discussion.

30 Chairperson Call expressed her disappointment because the commission made a  
lot of concessions, and the paint and style of paint and the look that it gave was part of  
32 the reason why they made those concessions that they felt would “dress it up” and make  
it so it didn’t have that warehouse type look. She also mentioned the fact that it was not  
brought back before they went ahead and made changes; she feels this was a bit of a bait  
34 and switch.

36 Mr. Hadderlie stated the colors changed during the design and he wasn’t cued into  
the fact. He is here to apologize for that and they are really not trying to do the “bait and  
switch” but feels the new color scheme was a fresh new way of looking at the building.  
38 He noted the color scheme was a place holder design as a hold-over from the Pleasant  
Grove campus that they did. He added the colors and the way they are applied to the  
40 building pattern is identical and has not changed from the renderings with the same  
elements and same patterns; just different colors (without the dark band on the top) but  
42 they can talk about adding that back in, and it doesn’t have to be the purple it could be the  
gray accent color if that would help to soften it. He pointed out the gray color is the same  
44 as the neighbor to the east; they feel the accent colors (earth tones) follow the letter of the  
code.

46 Mr. Hadderlie explained, in reference to the fence, it was a precast concrete fence  
on the original drawings approved by the city. The texture of the fence is a dry stacked  
48 stone look instead of the custom pattern but the other fence was five times more

2 expensive than this fence because it required custom walls. He pointed out they did use a  
4 local provider and has the natural look to it. That was a concession they had to dial back

6 Chairperson Call pointed out what was approved and what is presented now is a  
8 huge change. She also brought up the fact that the commission has required that others in  
the city that have done this type of thing have been required to change it and her feelings  
are that we can't require it of some and not others. To just change the whole paint design  
and fencing doesn't seem right.

10 Commissioner Kallas stated he doesn't mind the fence but the checkerboard look  
just doesn't work. Mr. Hadderlie pointed out that the checkerboard was shown on the  
12 original renderings and mentioned that purple and gray is the DoTerra branding and is  
part of why they changed the color; the pattern was approved on the rendering.

14 Chairperson Call mentioned in talking to several of the city council members who looked  
at this, and because of how hard they have tried to strengthen the architectural guide  
16 lines, they were quite concerned.

18 Commissioner Thompson suggested to meet a compromise to have them go back  
and get their architectural detail to see what it looks like and give a rendering that better  
shows the detailed look. Commissioner Marchbanks commented that part of the reason it  
20 looked better is because it is architecturally drawn with mature landscaping etc., and to be  
fair you would almost need to take this and turn it into an artist's rendering to really  
22 compare the two. There was then some general discussion regarding the colors and color  
palette.

24 Commissioner Thompson expressed his concerns of changing the colors without  
prior approval and if we can come to some compromise as to not set a precedent. He  
26 would like to see it dressed up a bit and to bring back a new artist's rendering with the  
changes. Mr. Hadderlie asked if they would like to see a rendering or if he can photoshop  
28 the changes. Chairperson Call stated that would be fine. Mr. Florence stated he will get  
this on the next planning commission meeting agenda in two weeks. Mr. Hadderlie stated  
30 he would push for a temporary certificate of occupancy pending getting this resolved.  
Chairperson Call stated she would also need a definite commitment on the changes. Mr.  
32 Haws suggested the commission put it in as a condition noting that is our leverage and  
there are steps you can take even if you go to an injunction (which we don't like to do).  
34 He liked the suggestion of the getting the temporary certificate pending the final  
certificate of occupancy.

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

38

40 COMMISSIONER THOMPSON MOVED TO CONTINUE THIS ITEM IN  
ORDER FOR THE APPLICANT TO BRING BACK A NEW RENDERING FOR  
REVIEW. COMMISSIONER SCHAUERS SECONDED THE MOTION. THE VOTE  
42 WAS RECORDED AS FOLLOWS:

CHAIRPERSON CALL	AYE
44 COMMISSIONER KALLAS	AYE
COMMISSIONER JOHNSON	AYE
46 COMMISSIONER MARCHBANKS	AYE
COMMISSIONER THOMPSON	AYE
48 COMMISSIONER SCHAUERS	AYE

2 THE MOTION CARRIED UNANIMOUSLY.

4 6. **Continued Public Hearing – A recommendation to the Lindon City Council**  
6 **to amend the Lindon City Zoning Code to create regulations for medical**  
8 **cannabis production establishments and pharmacies and to establish the**  
10 **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.

12 COMMISSIONER THOMPSON MOVED TO OPEN THE PUBLIC HEARING.  
14 COMMISSIONER JOHNSON SECONDED THE MOTION. ALL PRESENT VOTED  
IN FAVOR. THE MOTION CARRIED.

16 Mr. Florence led this discussion by giving a brief overview of this item explaining  
18 this item was continued from the October 8, 2019 planning commission meeting to give  
time for city staff to notice the property owners in the proposed Light Industrial West  
20 Overlay area of the zone change. He noted the Utah State Legislature has enacted  
Chapter 41a of Title 4 of the Utah Code, allowing for the establishment of Cannabis  
22 Production Establishments and requiring municipalities to allow Cannabis Production  
Establishment to be maintained as a permitted use in at least one agricultural or industrial  
24 zone and has set specific requirements associated with such a use.

Mr. Florence explained the Utah State Legislature has enacted Chapter 61a of  
26 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  
28 residential use and has set specific requirements associated with such use.

Mr. Florence further explained Chapter 41a of Title 4 and Chapter 61a of Title 26  
30 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  
32 will be designated for Cannabis Production Facilities as a permitted use. He noted the  
City is proposing to create a new overlay zone titled Light Industrial – West Overlay, and  
34 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  
36 Cannabis Production Facilities are permitted uses, then, by default under the state law,  
Cannabis Productions Facilities are deemed to be permitted uses in all industrial and  
38 agricultural zones within the city.

Mr. Florence went on to say City staff are proposing amendment to the Standard  
40 Land Use Table, and Chapters 17.18, 17.40, 17.49, 17.25, 17.79 establishing the Light  
Industrial West zoning district. He indicated State code allows municipalities to regulate  
42 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  
44 also be noticing all property owners within this proposed zoning overlay designation area  
of the proposed zone changes. Chairperson Call called for any public comment at this  
46 time.

Todd Fugal, attendee, asked if there will be restrictions near residential areas so  
48 these facilities can't be close to schools etc. Brian Haws, City Attorney stated it can't be

2 within 600 ft. of a residential zone or within 1,000 ft. of those community locations  
(schools, parks, churches etc.); they measure that by a pedestrian route (walking  
4 distance). He indicated the zone they are creating on the west side of I15 won't come  
anywhere near the 1,000 or 600 ft. to any of those types of locations.

6 Mr. Fugal stated he understands this situation in that these need to be allowed  
somewhere, so an overlay needs to be created so it is not concentrated as much as it  
8 would be, but he doesn't see the point of creating an overlay as it seems to concentrate it  
more than necessary. Mr. Haws explained the State is only giving out eight licenses.  
10 There are seven regional districts and the goal is to get one dispensary in each of those  
seven districts. They are trying to disburse them and if there is more than one in the city  
12 you can go and talk to the State and they will take that into consideration in the licensing.  
There is no guarantee, but there are provisions that allows the municipality to get zoning  
14 approval to address that; frankly getting one in is probably what we will see and if there  
is an issue, we can enforce it. There was then some general discussion on the boundaries.  
16 Following some general discussion, the commission was in agreement to make  
adjustment to the boundary to reduce the south boundary to 200 South. Chairperson Call  
18 asked if there were any further public comments or discussion. Hearing none she called  
for a motion to close the public hearing.

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

24  
26 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.

28 COMMISSIONER THOMPSON MOVED TO RECOMMEND APPROVAL OF  
ORDINANCE 2019-17-O AS PRESENTED. COMMISSIONER MARCHBANKS  
30 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

32 CHAIRPERSON CALL	AYE
34 COMMISSIONER KALLAS	AYE
COMMISSIONER JOHNSON	AYE
COMMISSIONER MARCHBANKS	AYE
COMMISSIONER THOMPSON	AYE
36 COMMISSIONER SCHAUERS	AYE

THE MOTION CARRIED UNANIMOUSLY.

- 38  
40 **7. Public Hearing – 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  
42 Light Industrial West Overlay zone to all properties currently zoned Light  
Industrial which are located West of I-15.

44  
46 COMMISSIONER KALLAS MOVED TO OPEN THE PUBLIC HEARING.  
COMMISSIONER SCHAUER SECONDED THE MOTION. ALL PRESENT VOTED  
IN FAVOR. THE MOTION CARRIED.

2 Mr. Florence noted everything was covered in the previous presentation item and  
he doesn't feel the need to discuss it further. However, there was some brief additional  
4 discussion regarding easily defined boundaries. Mr. Haws suggested making the  
recommendation to the city council that the boundary be west of the I15 corridor and  
6 North of 200 South. Following some brief discussion, the commission was in agreement  
it makes a much cleaner boundary and to make the boundary change recommendation to  
8 the city council noting the council will make the final determination.

Chairperson Call called for any further public comments. Hearing none she  
10 called for a motion to close the public hearing.

12 COMMISSIONER THOMPSON MOVED TO CLOSE THE PUBLIC HEARING.  
COMMISSIONER JOHNSON SECONDED THE MOTION. ALL PRESENT VOTED  
14 IN FAVOR. THE MOTION CARRIED.

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

18 COMMISSIONER MARCHBANKS MADE A MOTION TO RECOMMEND  
20 APPROVAL OF ORDINANCE 2019-18-O TO AMEND THE LINDON CITY  
ZONING MAP AND APPLY THE LIGHT INDUSTRIAL WEST OVERLAY ZONING  
22 DISTRICT TO ALL LIGHT INDUSTRIAL ZONED PROPERTIES WEST OF  
INTERSTATE 15 AND NORTH OF 200 SOUTH. COMMISSIONER JOHNSON  
24 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

THE MOTION CARRIED UNANIMOUSLY.

- 32
- 34 5. **New Business: Reports by Commissioners** – Chairperson Call called for any  
new business or reports from the Commissioners.

36 Chairperson Call thanked Brian Haws for his attendance and for his good advice  
and information he brings to the meetings. She also asked about a resident that wants to  
38 subdivide their property located at 885 East 490 North. She noted the resident has talked  
to the planning staff and they are wondering if they can subdivide. Mr. Florence stated  
40 they may not have enough rear yard but they may be able to do an accessory dwelling;  
there is not enough to subdivide. Commissioner Johnson asked about another property  
42 with a similar situation on Locust Avenue. Mr. Florence said they would have to do some  
research on that location.

44

46 6. **Planning Director Report** –

- General City Updates
- UDOT Grant applied for 700 North for additional planning

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

4

**ADJOURN** –

6

COMMISSIONER CALL MADE A MOTION TO ADJOURN THE MEETING  
8 AT 9:02 PM. COMMISSIONER THOMPSON SECONDED THE MOTION. ALL  
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

10

Approved – November 12, 2019

12

14

---

Sharon Call, Chairperson

16

18

---

Michael Florence, Planning Director