

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**
3 **October 8, 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: Steve Johnson, Commissioner
10 Pledge of Allegiance: Rob Kallas, Commissioner

12 <u>PRESENT</u>	<u>EXCUSED</u>
13 Sharon Call, Chairperson	Renee Tribe, Commissioner
14 Rob Kallas, Commissioner	
15 Mike Marchbanks, Commissioner	
16 Steven Johnson, Commissioner	
17 Scott Thompson, Commissioner	
18 Jared Schauers, Commissioner	
19 Mike Florence, Planning Director	
20 Anders Bake, Associate Planner	
21 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
27 Planning Commission meeting of September 24, 2019 were reviewed.

28
29 COMMISSIONER JOHNSON MOVED TO APPROVE THE MINUTES OF
30 THE REGULAR MEETING OF SEPTEMBER 24, 2019 AS PRESENTED.
31 COMMISSIONER KALLAS SECONDED THE MOTION. ALL PRESENT VOTED
32 IN FAVOR. THE MOTION CARRIED.

34 3. **PUBLIC COMMENT** – Chairperson Call called for comments from any
35 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*
39 *residents for an Auto Repair Shop has been cancelled.*

40 **CURRENT BUSINESS** –

42
43 4. **Public Hearing – A recommendation to the Lindon City Council to amend**
44 **the Lindon City development manual regarding street cross sections.** Kirk
45 Williamson requests Ordinance Amendment approval to amend the Lindon City
46 Development Manual to create a new public street cross section for Lindon’s
47 Sensitive Area District 3.

2 COMMISSIONER THOMPSON MOVED TO OPEN THE PUBLIC HEARING.
3 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
7 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

18 He indicated that Mr. Williamson and the City have worked together for some time
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.

30 Commissioner Marchbanks suggested to use this in more areas than just the
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.

36 Chairperson Call asked if there were any further public comments or discussion.
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
46 COMMISSIONER MARCHBANKS MADE A MOTION TO RECOMMEND
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
20 VOTED IN FAVOR. THE MOTION CARRIED.

22 Anders Bake, Associate Planner, led this discussion by stating the applicant Tim
Clyde is in attendance to request a rezone on the subject parcel from residential (R1-20)
24 to Commercial (CG). The purpose of the request is to allow egress of vehicle deliveries
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.

34 Mr. Bake further explained if the planning commission and city council vote to
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.

40 Mr. Bake went on to say the subject parcel at approximately 229 W 400 N is
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.

46 Mr. Bake indicated Lindon City Code states that the single family residential
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 *Commissioner Johnson disclosed for the record at this time that he owns property
22 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.

34 Chairperson Call called for any further comments or discussion from the
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
3 COMMISSIONER SCHAUERS AYE
4 THE MOTION CARRIED UNANIMOUSLY.

6 **6. Public meeting for an amendment to an existing Conditional Use Permit for**
7 **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
9 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
11 portions. Parcel 14:073:0217.

12
13 Mr. Florence led this discussion by giving a brief overview of this item explaining
14 T-Mobile Craig Shannon is requesting to amend a conditional use permit that was
15 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
17 tower.

18 Mr. Florence stated T-Mobile has made application to amend their previously
19 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
21 to co-locate a new cell antenna on top of the existing structure. Currently Sprint also uses
22 the existing cell towers.

23 Mr. Florence indicated that due to equipment overheating, the applicant also
24 proposed to increase the width of the T-Mobile section with will also be perforated for
25 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
27 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
29 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:

- 31 1. The site will be located north of the turn-around at 200 S. and about 800 E. and
32 the equipment enclosure will be located near the southwest corner of the Oak
33 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
35 closer than the setback allowance requires to the homes to the west of the
36 structure.
- 37 2. Aesthetics of the poles: the site will consist of a three-flagpole configuration, 80
38 feet high or less. The color will be environmentally compatible and blend with the
39 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
41 scale.
- 42 3. Aesthetics of the enclosure: the equipment enclosure will be located in the
43 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
45 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
47 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
4 collected with Oak Canyon Junior High School. In the case of a second locator,
the lease fees shall go to the Lindon and Rocky Mountain Elementary Schools.
6 5. Agreement with the City: The final agreement shall be substantially the form as
submitted and as agreed to by the parties. The mayor is given the authority to
8 review and sign the agreement for the city after modifications are made.

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

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

24 Mr. Florence explained due to overheating problems with the existing tower, the
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."
○ The problem with this condition is that the poles are not telescopic and are not
36 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 an 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
42 **COMMISSIONER KALLAS MOVED TO APPROVE THE APPLICANT’S
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

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 amendment to the Standard Land Use Table and relative zoning codes to include Medicinal Cannabis production establishments thus, allowing the city to 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
10 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
12 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
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.

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

6 Commissioner Johnson asked for an update on the dance home occupation on 2nd
8 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
10 in sidewalk, curb, gutter and landscaping. He noted staff has been working with them
quite a bit over the past few months.

12 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.

14 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
16 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
18 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.

20

22 6. **Planning Director Report** –

- General City Updates

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

26

ADJOURN –

28

30 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.

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Approved – October 22, 2019

Sharon Call, Chairperson

Michael Florence, Planning Director