

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**
3 **January 9, 2018 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: Mike Vanchiere, Commissioner

12 <u>PRESENT</u>	<u>EXCUSED</u>
13 Sharon Call, Chairperson	Charlie Keller, Commissioner
14 Rob Kallas, Commissioner	Kathy Moosman, Recorder
15 Mike Marchbanks, Commissioner	
16 Bob Wily, Commissioner	
17 Steven Johnson, Commissioner – arrived 7:47 pm	
18 Mike Vanchiere, Commissioner	
19 Hugh Van Wagenen, Planning Director	
20 Brandon Snyder, Associate Planner	
21 Brian Haws, City Attorney	

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23 **Special Attendee:**
24 Matt Bean, Councilmember

- 26 1. **CALL TO ORDER** – The meeting was called to order at 7:00 p.m.
28 2. **APPROVAL OF MINUTES** –The minutes of the regular meeting of the
29 Planning Commission meeting of December 12, 2017 were reviewed.

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31 COMMISSIONER VANCHIERE MOVED TO APPROVE THE MINUTES OF
32 THE REGULAR MEETING OF DECEMBER 12, 2017 AS PRESENTED.
33 COMMISSIONER WILY SECONDED THE MOTION. ALL PRESENT VOTED IN
34 FAVOR. THE MOTION CARRIED.

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

40 **CURRENT BUSINESS** –

- 42 4. **Public Hearing — Ordinance Amendment, Lindon City Code (LCC) 17.70**
43 Lindon City requests an amendment to LCC 17.70 Group Homes.
44 Recommendations will be made to the City Council at their next available
45 meeting after Planning Commission review.

46

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

6 Hugh Van Wagenen, Planning Director, led this discussion by pointing out the
7 City is constantly evaluating city code to ensure it is consistent with the current legal
8 environment. He explained that LCC 17.70 Group Homes is in need of amendments to
9 satisfy current law and LCC 5.42 is being added to help facilitate the licensing of
10 Residential Facilities.

11 Mr. Van Wagenen noted the proposed changes are recommended by Lindon City
12 Attorney Brian Haws, and are in conformance with the most recent case law and federal
13 and state requirements. Mr. Van Wagenen then reviewed the changes to 17.70 Large Care
14 Facility. He noted that 17.72 will not to be addressed tonight. He also presented the
15 changes in LCC 5.42. He then turned the time over to Brian Haws, City Attorney, for
16 comment.

17 Mr. Haws then spoke concerning the changes noting the changes are partly due to
18 recent case law and also to comply with State and Federal requirements. He noted
19 because the law is so defined this change is being made as a more administrative function
20 through the Planning Director. He pointed out if this is challenged there is an appeal
21 process (City Administrator) and if challenged further it could be reviewed by the District
22 Court.

23 Chairperson Call asked for clarification that these group home applications will
24 now go to the Planning Director as long as it is in compliance and will not come before
25 the Planning Commission. Mr. Haws confirmed they would no longer come before the
26 Planning Commission for review or approval and will be reviewed on an administrative
27 level.

28 There was then some discussion surrounding noticing requirements. Mr. Haws
29 also discussed the reasonable accommodations request allowed under the American with
30 Disabilities Act (See 17.70.060). He also reviewed the appeal process 17.70.070. He
31 stated this is the right time to make these changes to come into compliance; a lot of cities
32 are adopting this procedure.

33 Commissioner Vanchiere asked for clarification on the Reasonable
34 Accommodation section of the ordinance and how it relates with Building Code
35 requirements (Building Department). Mr. Haws explained how this relates to building
36 requirements and Mr. Van Wagenen presented information on the parking standards
37 17.70.030(10). Commissioner Vanchiere also asked about the approval process for the
38 existing Reflections Recovery Center. Mr. Van Wagenen gave a brief history of the
39 Reflections Recovery Center to the Commission.

40 Mr. Haws then discussed the changes being made to licensing requirements found
41 in LCC 5.42. Commissioner Wily asked for clarification that group homes will no longer
42 come to the Planning Commission for a yearly review and asked if they will be reviewed
43 yearly with the business license renewal. Mr. Haws confirmed that statement. He added
44 they will be noticed.

45 There was then some additional general discussion regarding the proposal being
46 presented tonight. Mr. Van Wagenen indicated that this item will go on to the City
Council for review.

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

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

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10 Chairperson Call asked if there were any further comments or discussion.
Hearing none she called for a motion.

12 COMMISSIONER MARCHBANKS MOVED TO APPROVE ORDINANCE
AMENDMENT 2018-2-O AS PRESENTED. COMMISSIONER WILY SECONDED
14 THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

16 COMMISSIONER KALLAS AYE
COMMISSIONER MARCHBANKS AYE
COMMISSIONER WILY AYE
18 COMMISSIONER VANCHIERE AYE
THE MOTION CARRIED UNANIMOUSLY.

20
22 **5. Public Hearing — Ordinance Amendment, Lindon City Code (LCC) 17.14**

Lindon City requests an amendment to LCC 17.14 Noticing. The amendment is
regarding third party noticing distances. Recommendations will be made to the
24 City Council at their next available meeting after Planning Commission review.

26 COMMISSIONER MARCHBANKS MOVED TO OPEN THE PUBLIC
HEARING. COMMISSIONER VANCHIERE SECONDED THE MOTION. ALL
28 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

30 Mr. Van Wagenen gave a brief background of this item noting after reviewing a
recent zone change request and considering the third-party notices mailed to surrounding
32 properties, the City Council would like the Planning Commission to review third
party notice distances for land use applications. He noted with this request, staff has also
34 made some general updates to bring noticing requirements up to date with state code
regarding zoning map proposals.

36 Mr. Van Wagenen further explained the purpose of providing notices to third
parties about pending developments stems from the Utah Open and Public Meetings Act,
38 which states: “The Legislature finds and declares that the state, its agencies and political
subdivisions, exist to aid in the conduct of the people’s business. It is the intent of the
40 Legislature that the state, its agencies, and its political subdivisions take their actions
openly; and conduct their deliberations openly.”

42 He pointed out that currently, most land use applications in Lindon require a 300-
foot notice buffer to adjoining properties. Staff prepares mailing lists, prints the notices
44 and places them in envelopes and finally stamps them for mail delivery. The question
before the Commission tonight is whether or not 300 feet notifies a sufficient number of
46 properties that may be affected by an application.

48 Mr. Van Wagenen then referenced a table comparing some of the hard cost
differences between the differing noticing distances as follows:

<i>Examples</i>	Industrial	Cost Difference	Residential	Cost Difference
300-foot buffer	28 notices	-	46 notices	-
500-foot buffer	34 notices	\$3.36	81 notices	\$19.60
800-foot buffer	45 notices	\$9.52	122 notices	\$42.56

2 Stamp = \$0.46; Envelope = \$.09; Paper = \$.01; Staff time, printer toner, other overhead not included

4 Mr. Van Wagenen stated Section 10-9a-205 of the Utah State Code gives precise
6 requirements for notices to property owners whose land may be affected by a zoning map
8 change and the new language in the draft ordinance reflects those requirements. Mr. Van
Wagenen then presented the Industrial notice map comparison, Residential notice map
comparison and Draft Ordinance proposed changes followed by discussion.

10 Commissioner Wily commented on the larger acreage of industrial versus
12 residential acreage. There was then some discussion regarding the use of a 300', 500' or
800' radius. Mr. Van Wagenen indicated that the deadlines to send out notices will not
change. He added that the City Council can consider changing the fees if the noticing
distance is increased.

14 Chairperson Call for any public comment at this time. Wayne DeVincent
16 representing UIS Industrial Sales, was in attendance and addressed the Commission. Mr.
DeVincent commented that he agrees it is a good idea to send notices out to a larger area.
18 He also stated he would like to see two different buffer distances based on zoning
designations.

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

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

26 Chairperson Call asked if there were any further comments or discussion. Hearing
28 none she called for a motion.

30 COMMISSIONER MARCHBANKS MOVED TO RECOMMEND APPROVAL
OF ORDINANCE AMENDMENT 2018-3-O WITH THE CHANGES DISCUSSED AS
FOLLOWS (RESIDENTIAL 500', NON-RESIDENTIAL OR MIXED 800').

32 COMMISSIONER WILY SECONDED THE MOTION. THE VOTE WAS
RECORDED AS FOLLOWS:

34 COMMISSIONER KALLAS AYE
36 COMMISSIONER MARCHBANKS AYE
COMMISSIONER WILY AYE
COMMISSIONER JOHNSON AYE
38 COMMISSIONER VANCHIERE NAY

40 THE MOTION CARRIED FOUR TO ONE.

42 Commissioner Vanchiere expressed his opposition vote stating he would like the
non-residential or mixed at 1000' instead of 800' due to the large lots. Councilmember
44 Bean thanked the Commission for their thorough review and recommendation.

2 6. **New Business: Reports by Commissioners** – Chairperson Call called for any
4 new business or reports from the Commissioners. Commissioner Wily indicated
6 Commissioner Wily for his service stating he will be greatly missed.

8 7. **Planning Director Report** – Mr. Van Wagenen reported on the following items
10 followed by discussion.

- 12 • General Plan Survey Results were reviewed. Mr. Van Wagenen noted these
14 results will need to be compared further with the results of the previous survey
16 done with the last General Plan amendment.
- Planning Commission priorities for coming year to be discussed at next
meeting.
- Sewer Lift Station Tour January 16th at 6 pm. Meet at City Center.

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

22 **ADJOURN** –

24 COMMISSIONER MARCHBANKS MADE A MOTION TO ADJOURN THE
26 MEETING AT 8:37 PM. COMMISSIONER KALLAS SECONDED THE MOTION.
ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

28 Approved – February 13, 2018

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32 Sharon Call, Chairperson

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Hugh Van Wagenen, Planning Director