The Lindon City Planning Commission held a regularly scheduled meeting on Tuesday,
**September 14, 2010** beginning at 7:00 p.m. in the Lindon City Center, City Council
Chambers, 100 North State Street, Lindon, Utah.

Conducting: Gary Godfrey, Chairperson

Invocation: Gary Godfrey

Pledge of Allegiance

**PRESENT**

Gary Godfrey, Chairperson
Matt Bean, Commissioner
Chris Burton, Commissioner
Sharon Call, Commissioner
Mark Johnson, Commissioner
Angie Neuwirth, Commissioner
Adam Cowie, Planning Director
Woodworth Mataele, Assistant Planner
Debra Cullimore, City Recorder

**ABSENT**

Ron Anderson, Commissioner

The meeting was called to order at 7:03 p.m.

**APPROVAL OF MINUTES** – The minutes of the meeting of August 24, 2010 were reviewed.

COMMISSIONER CALL MOVED TO APPROVE THE MINUTES OF THE MEETING OF AUGUST 24, 2010. COMMISSIONER NEUWIRTH SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

**PUBLIC COMMENT** –

Chairperson Godfrey called for comments from any audience member who wished to address an issue not listed as an agenda item. There was no public comment.

**CURRENT BUSINESS** –

1. **Ordinance Amendments** – *City Initiated – Lindon City Code – Ordinance Violations*. This is a review of proposed updates to the following Lindon City Code chapters and sections regarding ordinance violations and associated penalties: CHAPTER 1.16 Penalties (new Section, 1.16.20- Misdemeanor Penalties), Section 1.18.010 Assessment of Cost, Section 1.18.020 Notice, Section 1.18.030 Collection, CHAPTER 2.08 City Council (new Section 2.08.110- Failure to Comply with Subpoena), Section 2.28.100 Use of office for personal benefit prohibited, Section 2.32.090 Unlawful interference penalty, Section 2.32.140 Defective structures, Section 2.32.170 Causing a fire, Section 2.32.190 Apparatus-Interference-penalty, Section 2.32.200 False alarms-Penalty, Section 2.32.210 Violation-Penalty,
Mr. Cowie explained that proposed amendments to a number of code sections affect misdemeanor violations of City ordinance and associated penalties. New language establishes a separate violation for each day of non-compliance following a specified 28 day warning period. The current practice and policy of the City in relation to code violations will be codified with the new ordinance. Current policy is notify property owners of certain code violations by mail, followed by a 10-14 day period to allow the property to come into compliance. If the violation continues, a second letter is sent notifying the property owner of penalties imposed by the ordinance if the situation is not addressed. The 28 day warning period will begin three days after the second letter is mailed to the property owner. A $200 penalty will be imposed per day of non-compliance in residential zones, with a $400 penalty per day in commercial zones.

Commissioner Call inquired as to the reason for a higher penalty in commercial zones than residential zones. Mr. Cowie explained that one business owner who received a citation and fine for a violation commented that the cost of the fine was acceptable to him, and that he would continue to violate the ordinance and pay the fine as a cost of
doing business. The intent of the higher penalty in commercial zones is to discourage this type of continued violation.

Commissioner Neuwirth noted that if the violation is a structure, it may be difficult for a property owner to come into compliance with the ordinance in only 28 days. Mr. Cowie explained that the ordinance gives the City some flexibility in granting extensions of time if property owners are making an effort to come into compliance.

Chairperson Godfrey expressed concern regarding language found in Section 15.04.050- (c) which specifies that “The burden to prove any defense shall be upon the person raising such defense.” He felt that this section sets a standard that violators are guilty until proven innocent. Mr. Cowie observed that violations are typically very apparent, but that he will discuss this particular section with the City attorney to see if a language change would be appropriate. Mr. Cowie will relay the concern, as well as the outcome of his discussion with Mr. Haws, to the City Council during review of the ordinance.

Chairperson Godfrey expressed concern regarding some violations listed in various ordinance sections which could be subject to penalties, such as playing baseball in a location without a baseball diamond. Mr. Cowie explained that there are a number of outdated sections in the code which will be dealt with individually, but that the intent of these revisions is simply to specify a daily penalty per violation. He explained that outdated code sections would not be actively enforced, but that the proposed revisions give the City the necessary tools to address problematic situations.

The Commission went on to discuss several typographical errors in the draft ordinance, and concerns regarding specific penalties associated with Class B and Class C misdemeanors.

Mr. Cowie explained that the Commission is making a recommendation to the City Council on section 17.52 only, as this is the only land use section which will be amended based on the ordinance. The Commission requested that Mr. Cowie relay concerns to the Council regarding penalties for specific violations which are outdated, such as the baseball issue discussed earlier, and a requirement for hotels to maintain a written guest register. Mr. Cowie observed that a Public Hearing needs to be opened to take comment on the proposed ordinance. Chairperson Godfrey called for a motion to open a Public Hearing.

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

Chairperson Godfrey called for public comment. There was no public comment. Commissioner Johnson noted that the ordinance outlines specific penalties by zone rather than by use. He suggested that use be specified in the ordinance in addition to specific zone penalties to address situations which may arise with residential uses in commercial zones, or vice versa. Mr. Cowie will forward this recommendation to the City Council for their consideration.

COMMISSIONER BEAN MOVED TO APPROVE PROPOSED ORDINANCE AMENDMENTS TO LCC SECTION 17.52 WITH CHANGES AS DISCUSSED, AND
RECOMMEND APPROVAL TO THE CITY COUNCIL. COMMISSIONER CALL SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

NEW BUSINESS – Reports by Commissioners

Commissioner Neuwirth inquired as to the status of clean up of a trail section she reported to Mr. Cowie previously. Mr. Cowie stated that he forwarded the information to the Parks and Recreation Direction, Dan Seder, for follow-up. Commissioner Johnson suggested the possibility of implementing an “adopt a trail section” program which would allow individuals or organization to take responsibility for maintenance of trail sections. Chairperson Godfrey inquired as to whether there would be an opportunity for citizens to participate on any type of committee relative to the Murdock Canal enclosure project. Mr. Cowie explained that the enclosure is not a City project, but that representatives have met with the City Council and staff to discuss plans for the project. He noted that a number of open houses will be held to take public comment during the construction process. Chairperson Godfrey expressed a desire to serve on a committee if the opportunity arises.

PLANNING DIRECTOR’S REPORT –

Mr. Cowie reported on the following items:
1. Several billboards in the T-zone will be relocated as a result of the I-15 Core project. The relocations are governed by state law rather than local ordinance due to the fact that they are associated with a federal highway project. All relocations will be issued permits if they comply with state requirements.
2. The City Council recently reviewed preliminary General Plan revision recommendations. 400 General Plan Surveys have been completed to date.

ADJOURN –

COMMISSIONER BURTON MOVED TO ADJOURN THE MEETING AT 7:52 P.M. COMMISSIONER NEUWIRTH SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Approved – September 28, 2010

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Gary Godfrey, Chairperson

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Adam Cowie, Planning Director