

The Meeting of the Nibley Planning Commission held at Nibley City Hall, 625 W. 3200 S. Nibley, Utah, on Wednesday, April 8, 2009.

The following actions were made during the meeting:

Commissioner Bliesner motioned to approve the conditional use permit and business license for Kevin Lundberg Welding at 366 W. 3300 S. for a home office, for a business where the work is done elsewhere. Commissioner Green seconded the motion. The motion passed unanimously 4-0; with Commissioner Bliesner, Commissioner Green, Commissioner Heidt, and Commissioner Cook all in favor.

Commissioner Green motioned to approve the conditional use permit and business license for the home office located at 580 W. 2700 S. for Detail Catering & Floral. Commissioner Bliesner seconded the motion. The motion passed unanimously 4-0; with Commissioner Green, Commissioner Bliesner, Commissioner Cook, Commissioner Heidt all in favor.

Commissioner Heidt motioned to approve the request for an accessory building permit located at 3050 S. 150 E. for applicant Paul Price. Commissioner Green seconded the motion. The motion passed unanimously 4-0; with Commissioner Heidt, Commissioner Green, Commissioner Bliesner, and Commissioner Cook all in favor.

Commissioner Anderson motioned to table the boundary line adjustment for Graham Howes located at approximately 3445 W. Main until the pending lawsuit is finalized. Commissioner Bliesner seconded the motion. The motion passed unanimously 5-0; with Commissioner Anderson, Commissioner Bliesner, Commissioner Green, Commissioner Heidt, and Commissioner Cook all in favor.

Commissioner Bliesner motioned to recommend the proposed changes to the Nibley City Land Use Chart to Nibley City Council. Commissioner Heidt seconded the motion. The motion passed unanimously 5-0; with Commissioner Bliesner, Commissioner Heidt, Commissioner Anderson, Commissioner Green, and Commissioner Cook all in favor.

Commissioner Carrie Cook called the Wednesday, April 8, 2009 Nibley City Planning Commission meeting to order at 7:00 p.m. Those in attendance included Commissioner Carrie Cook, Commissioner Marina Heidt, Commissioner Bill Green, Commissioner Aaron Bliesner, and Commissioner Wayne Anderson. Shari Phippen, the City Planner, was also present.

Item 1: Approval of 03-25-09 meeting minutes and agenda.

The evening agenda and the meeting's minutes of 03-25-09 passed with general consent. Commissioner Heidt, Commissioner Bliesner, and Commissioner Cook were all in favor.

Conditional use permit/Business License—Kevin Lundberg Welding—request approval for a conditional use permit and business license for a home office located at 366 W. 3300 S. (Applicant: Kevin Lundberg)

Mr. Lundberg is present at the meeting.

Commissioner Cook noted Commissioner Green's arrival at 7:03 P.M.

Mr. Lundberg stated the reason he is looking for license is so he can work for contractors and subcontractors and also on his own. He said there will not be any work going on at his home and all equipment will be stored in the garage. He wants to establish a working address. Mr. Lundber also stated he had fire suppression on his truck. Commissioner Bliesner made a motion to approve the conditional use permit and business license for this applicant, at this address, for a home office for a business where the work is done elsewhere. Commissioner Green seconded the motion. The motion passed unanimously with Commissioner Bliesner, Commissioner Green, Commissioner Heidt, and Commissioner Cook all in favor.

Conditional Use Permit/Business License—Detail Catering & Floral—request approval for a conditional use permit and business license for a home office located at 580 W. 2700 S. (Applicant: Carma Parks)

The applicant was not present to begin the discussion. Ms. Phippen said she had nothing to add to this application. Mrs. Parks arrived at 7:05 P.M. Mrs. Parks stated she is the middle man and her job involved taking care of all final details and making sure the presentation is good. There will be nothing cooked in her home or coming in or out of her home. Commissioner Green made a motion to approve the conditional use permit and business license for the home office located at 580 W. 2700 S. for Detail Catering & Floral. Commissioner Bliesner seconded the motion. The motion passed unanimously with Commissioner Green, Commissioner Bliesner, Commissioner Cook, Commissioner Heidt all in favor.

Accessory Building—Paul Price—request approval to construct a 920 square foot accessory building located at approximately 3050 S. 150 E.

Mr. Price was present at the meeting. He distributed a modified plan to the Commission. He had modified the previous plan and moved an accessory building further from a fence line. He moved it from 15 ft. to 75-100ft. Commissioner Bliesner asked Ms. Phippen for a summary. Ms. Phippen stated the applicant was applying for an accessory building in the lot directly east from the Maverick. The accessory building is within limits and far enough away from 3100 S. Ms. Phippen said Bill Saunders was going to have to run a building permit and inspect the building. She said when Bill does the inspection he is aware of height limits. Commissioner Heidt made a motion to approve the request for an accessory building permit located at 3050 S. 150 E. for applicant Paul Price.

Commissioner Green seconded the motion. The motion passed unanimously with Commissioner Heidt, Commissioner Green, Commissioner Bliesner, and Commissioner Cook all in favor.

Commissioner Bliesner moved to suspend the agenda and move to the Graham Howes request and come back to the public hearing. The motion was seconded by Commissioner Green which passed unanimously.

Concept Approval—Graham Howes—requesting concept approval for a boundary line adjustment between two (2) lots located at approximately 3445 S. Main.

Graham Howes and Adam Howes were present for this discussion. Ms. Phippen said there are were lots involved in this situation. Two lots are owned by the Howes family. The other lot is owned by the Josh Frazier's. In 2002 there were only two lots and without coming in and filing for a subdivision with the city, a middle lot was created. According to the County records, that was done by splitting acreage off of the lot the Frazier's own now. At that time there were no standards or improvements put into the road and no services put into the lot. When Mr. Frazier bought the home in 2007 he was under the impression that the property went to where the fence sits and he did not take the time to have the property independently surveyed, nor did he rough check the survey that went with his deed. Had he done that he would have found the property line is twenty feet west of the fence line. His deed is not to the fence line. Graham Howes and his son Adam are attempting and requesting to adjust the boundary line between the middle lot and the lot that fronts the highway in order the give the middle lot sufficient frontage to be a viable building lot. The boundary line adjustment is based on the surveyed property line, not the fence line. The proposed boundary line adjustment would also make the lot that fronts the highway come up to a conforming lot size wise. Currently it is a legal non-conforming lot. There would need to be improvements to the road put in and services would need to be installed (sewer, water, etc). Ms. Phippen stated Mr. Frazier is disputing the property line. Ms. Phippen received an email from an attorney representing Mr. Frazier which showed there was a lawsuit being filed on the property dispute. Ms. Phippen and Mr. Anhder have had multiple conversations with Mr. Frazier and Mr. Howes hoping to come to a resolution. She has also had multiple discussions with the city attorney. Ms. Phippen stated she believed Mr. Howes could adjust the boundary line and put in the necessary services and road improvements to sell the middle lot as a building lot. However, the city has been advised by their attorney that if they approve the property line adjustment on the property being disputed, the city may be assuming liability. Therefore, Ms. Phippen recommended not acting until the boundary line issue is resolved either by mutual consent or order of the court. Commissioner Green agreed with Ms. Phippen. He suggested tabling the issue until it is settled. Commissioner Bliesner stated they have to act or it is assumed that it had passed. Commissioner Bliesner asked if it was the attorney's contention that the first lot split was illegal. Ms. Phippen said not at this time. Ms. Phippen said she believed that they are going to go into issues of if the lot was subdivided illegally.

Commissioner Anderson arrived at 7:35.

Mr. Howes stated they approached Mr. Frazier about purchasing part of the property and Mr. Frazier chose not to purchase the property. Mr. Howes stated they just wanted to sell the land. Nibley City could also change their requirements on the lot size but without one of those things happening he did not feel that he was in the position to do anything. He

just wants to sell the land. He said he felt Mr. Frazier assumed ownership without due diligence. Ms. Phippen said if the litigation is resolved the Howes will need to make improvements to the private lane that included water and sewer line and the lane would need to be paved. Mr. Howes asked if they could sell the lot before making the improvements to the road. Commissioner Anderson stated he could sell the lot and inform the buyer of the improvements that needed to be made. Mr. Howes stated the interested party wanted the property for a horse pasture. Commissioner Cook stated at this point they are advised to not take action or possibly assume liability. Commissioner Anderson he believed the applicants would come away winners in the litigation. Commissioner Bliesner said he believed if they tabled the issue it could come back when the legal issues were resolved. Commissioner Anderson stated if the issue was tabled they wouldn't take action on it again until the applicant came back and requested action. If it is continued they can come back without request but if they have not come back within 90 days it is considered approved. Mr. Adam Howes asked if the property line is resolved, if the plan would be approved. Ms. Phippen stated she did not see a problem as long as improvements are made to the road. Commissioner Anderson stated if this came back with the issue resolved, the private drive would only have to be asphalted to access their lot, they would not need to go any further. Commissioner Anderson made a motion to table the boundary line adjustment until the pending lawsuit is finalized. Commissioner Bliesner seconded the motion. The motion passed unanimously with Commissioner Anderson, Commissioner Bliesner, Commissioner Green, Commissioner Heidt, and Commissioner Cook all in favor.

7:30 Public Hearing—A public hearing to consider proposed amendments to the Nibley City land use chart and associated definitions.

Commissioner Cook opens the public hearing at 8:00 and seeing no public present closes the public hearing at 8:00.

Consideration of proposed amendments to the Nibley City land use chart and associated definitions.

Ms. Phippen noted one other change that needed to be made. The other change that need to be made beside adding assisted living facilities and the definition of home occupation was the reference to group living facilities and adding the reference refer to the Nibley City Group Living Facility Ordinance. Commissioner Bliesner made a motion to recommend the proposed changes to the Nibley City Land Use Chart to City Council. Commissioner Heidt seconded the motion. The motion passed unanimously with Commissioner Bliesner, Commissioner Heidt, Commissioner Anderson, Commissioner Green, and Commissioner Cook all in favor.

Planning and Zoning Reports

Ms. Phippen said she made the decision to stay with Nibley City. She now has the title City Planner.

Ms. Phippen said that the Animal Land Use Ordinance committee had met twice. She anticipates that when this goes to public hearing, which she anticipates will be the first meeting in May, that there will be some very strong feeling expressed. She will be

preparing a presentation that will detail the previous ordinance vs. the new ordinance. There is a concern that the city is taking away the ability for citizens to have animals. Commissioner Bliesner said they accidentally omitted pigs from the ordinance. It was an accident on the committee's part at the time. The citizen picked up on something they accidentally omitted and he believed, overreacted. Commissioner Bliesner stated they did not reduce the density on any animal. They have increased the density on all lots. Ms. Phippen stated they did eliminate conditional use permits on planned unit developments with the exception of service animals. If Nibley citizens would like to see the recommended draft they can see Ms. Phippen.

Ms. Phippen said the stop light is now working.

There was general consent to adjourn at 8:25 p.m.