

The Meeting of the Nibley Planning Commission held at Nibley City Hall, 625 W. 3200 S. Nibley, Utah, on Wednesday, May 13, 2009.

The following actions were made during the meeting:

Commissioner Bliesner motioned to approve the conditional use permit and business license for Cache Valley Landscape, applicant Matt Bartlett at 885 W. 2650 S. with the conditions that Mr. Bartlett not park his equipment, trailers, or commercial vehicles in the street or within any setback area on the property. Commissioner Green seconded the motion.

Commissioner Anderson motioned to amend the motion about parking in the setbacks and change it that he can park behind the front plane of the house. Commissioner Heidt seconded the amended motion. The amended motion passed 3-2 with Commissioner Anderson, Commissioner Heidt, and Commissioner Cook in favor. Commissioner Bliesner and Commissioner Green are opposed.

The amended motion to approve the conditional use permit and business license for Cache Valley Landscape passed 5-0; with Commissioner Anderson, Commissioner Heidt, Commissioner Cook, Commissioner Bliesner, and Commissioner Green all in favor.

Commissioner Green motioned to approve the accessory building for Wayne Anderson at 3290 S. 250 W. Commissioner Heidt seconded the motion. The motion passed 4-0; with Commissioner Green, Commissioner Heidt, Commissioner Cook, and Commissioner Bliesner all in favor. Commissioner Anderson abstained from the vote.

Commissioner Anderson motioned to recommend approval of Zollinger Acres, Phase 2 with the addresses fixed before it goes to City Council. 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 continue the request for plat approval of Phase 2 of Foxborough Estates until an engineering review was present. Commissioner Anderson seconded the motion. The motion passed 5-0; with Commissioner Bliesner, Commissioner Anderson, Commissioner Cook, Commissioner Heidt, and Commissioner Green all in favor.

Commissioner Bliesner motioned to omit the first Planning and Zoning Commission meeting in June from the schedule. Commissioner Anderson seconded the motion. The motion passed unanimously 5-0; with Commissioner Bliesner, Commissioner Anderson, Commissioner Cook, Commissioner Heidt, and Commissioner Green all in favor.

Commissioner Carrie Cook called the Wednesday, May 13, 2009 Nibley City Planning Commission meeting to order at 7:02 p.m. Those in attendance included Commissioner Carrie Cook, Commissioner Marina Heidt, Commissioner Bill Green, Commissioner Aarron Bliesner, and Commissioner Wayne Anderson. Shari Phippen, the City Planner, was also present.

Item 1: Approval of the 04-22-09 meeting minutes and agenda.

The meeting minutes of April 22, 2009 and the evening's agenda passed with general consent.

Conditional use permit/Business License

Cache Valley Landscape—request a conditional use permit and business license for a home-based landscape design/lawn care business located at 885 W. 2650 S.

(Applicant: Matt Bartlett)

Applicant Matt Bartlett was present at the meeting. Mr. Bartlett said usually his equipment stays on site where they are currently working. It is currently at his home because he is working there. Commissioner Green said they usually require that equipment be stored behind the front plane of the house and that is a problem when he resides on a corner lot. Mr. Bartlett said right now he is in the process of buying out his partner and usually the equipment is stored on his partner's property. Commissioner Green asked where he would store the equipment if he buys out the partner. Mr. Bartlett said he would acquire rental space for the equipment if needed. Commissioner Bliesner said it was his belief that they should not permit commercial vehicles of any kind, for any reason, within any setback area of any kind around any edge of the property.

Commissioner Bliesner made a motion to approve the conditional use permit and business license for Cache Valley Landscape, applicant Matt Bartlett at 885 W. 2650 S. with the conditions that Mr. Bartlett not park his equipment, trailers, or commercial vehicles in the street or within any setback area on the property. Commissioner Heidt asked Commissioner Bliesner where he would require the applicant to place his equipment to make the conditional use permit work. Commissioner Bliesner said anywhere within the setback line on his property. Commissioner Green seconded the motion. Commissioner Anderson made a motion to amend the motion about parking in the setbacks and change it that he can park behind the front plane of the house. Commissioner Heidt seconded the amended motion. The amended motion passed 3-2 with Commissioner Anderson, Commissioner Heidt, and Commissioner Cook in favor. Commissioner Bliesner and Commissioner Green are opposed. The amended motion passed 5-0.

Accessory Building

Wayne Anderson—request approval to construct a 35' x 40' accessory building located at 3290 S. 250 W.

Mr. Anderson is present at the meeting. Ms. Phippen said she had no problem with the building. It meets all setbacks, height, and size limits. Commissioner Green made a motion to approve the accessory building for Wayne Anderson at 3290 S. 250 W.

Commissioner Heidt seconded the motion. The motion passed 4-0. Commissioner Anderson abstained from the vote.

Concept Approval

Todd Fenton—request for concept approval of a lot split located at 4220 Hollow Rd.

Mr. Fenton is present at the meeting. Ms. Phippen said the Commission had a copy of the preliminary plat which is really concept. He owns a long, skinny lot along Hollow Road. He wants to split it in half and access the back to acres with a easement. Ms. Phippen gave Mr. Fenton a copy of a review from the City Engineer and a list of items which will need to be fixed. Ms. Phippen said she is curious about the easement to access the back lot in terms of what will be needed, i.e. asphalt, gravel. The City Council opted to not allow gravel lanes or easements. Commissioner Heidt asked if it could be gravel if it was a driveway. Ms. Phippen said if it is a driveway their ordinance requires all lots have their frontage on a public road. Commissioner Anderson said he viewed this as a right-of-way easement and it is accessing one lot, not three. The Commission discussed who would be required to bridge or pipe over the canal that allows access to the easement.

Commissioner Heidt asked what Mr. Fenton would have to do to get the lot split. Mr. Fenton asked about the requirement to be hooked to the sewer—this was number five under the list from Mr. Blossom. Ms. Phippen noted that that step would be optional. Commissioner Bliesner said it was his belief that the obligation to provide access across the ditch is transferred with the deed. Commissioner Anderson said in subdivisions they require the developer to put in the utilities, etc. Commissioner Bliesner asked for staff recommendation. Ms. Phippen said as a concept she does not have a problem with it but there are things that need to be worked out such as if Mr. Fenton needs to put in a bridge across the canal and the construction of the access, and if the easement needs to be hard surface. Commissioner Bliesner said a seller is not the developer. He is a sub-divider. Ms. Phippen said the difference with this situation was the addition of the access. Commissioner Anderson said he is alright with the concept. Mr. Fenton was advised to wait until Ms. Phippen had done some research on the two main issues.

Final Plat Approval

ZollingerAcres-Phase 2—request for final approval of Phase 22 (9 lots) of Zollinger Acres, located at approximately 1400 West and 3300 South. (Applicant: Steve Edwards)

Mr. Edwards is present at the meeting. Ms. Phippen said the only problem is that the addresses needed to be changed. There are some minor things with the construction drawing. They will need to be fixed before the city engineer signs it off. Rod Blossom said the plat was fine. Mr. Edwards said with the stimulus money from the federal government they have sold 10 houses in 6 weeks. He said they would fix the addresses. Commissioner Anderson made a motion to recommend approval of Zollinger Acres, Phase 2, with the addresses fixed before it goes to City Council. Commissioner Bliesner seconded the motion. The motion passed unanimously.

Foxborough Estates-Phase 2—request for final approval of Phase 2 (22 lots) of Foxborough Estates, located at approximately 1500 West and 3350 South. (Applicant: Brian Seamons)

The applicant was not present. Ms. Phippen said she had not gotten the engineer review back and there were a few other issues. Commissioner Cook asked if there was anything

that would hold up recommendation. Ms. Phippen said they are coming in with more building permits on phase 1 without any improvements to the road. They were also notified by the state that the developer has had liens placed against them for not paying subcontractors. Bill has told them they cannot have anymore building permits in phase 1. Commissioner Bliesner asked for staff recommendation. Ms. Phippen recommended approving. Commissioner Bliesner made a motion to continue plat approval of Foxborough Estates, Phase 2, until an engineering review is present. Commissioner Anderson seconded the motion which passed unanimously. Commissioner Cook noted a previous discussion and in which they wanted to see a written letter from the canal company. No agreement had been made with the canal company.

Workshop Items

Discussion regarding changes/updates to the Nibley City zoning ordinance.

Ms. Phippen said the latest issue with fences is that the ordinance states a corner lot is a lot adjacent two intersecting streets. There are three lots in the Clear Creek subdivision alone that sit on a corner but do not sit on intersecting streets-there is no intersection. Commissioner Bliesner asked if the streets had different names. Ms. Phippen recommends if it was their intent to require 4 ft. fences in these circumstances that they change the definition of a corner lot to say where more than one plane of the lot is adjacent to a street. Commissioner Bliesner said they drafted an ordinance which kept fences in side lots set back 20 ft. or under 4 ft. He believes they are planting their feet based on principle. The best situation is to allow it. Commissioner Bliesner said 20 ft. setback is an extreme for safety issues. Commissioner Cook asked Ms. Phippen to get input from City Council on how to fix this. Commissioner Bliesner said the current ordinance was driven by aesthetics. The entire Commission agreed that the definition of a corner lot needed to be changed. Commissioner Cook recommended changing the definition of a corner lot to City Council.

Ms. Phippen said the Animal Land Use Ordinance is done at committee. The Planning Commission needs to decide what they want to do with it. Commissioner Heidt suggested they take it straight to City Council. Commissioner Bliesner suggested holding a public hearing in which they hear the opinion of the public and then recommend the ordinance to City Council. Three of the five Commissioners felt they should have a public hearing. Commissioner Bliesner said he told the public that their input would be better served at City Council. The public hearing will be held at the next meeting. Ms. Phippen said it had been upheld in municipalities that they can ban pigs. Commissioner Bliesner suggested being very familiar with the ordinance, listening politely, and voting according to their conscience.

Planning and Zoning Reports

The contract has been signed with the consultant for the Parks, Trails, and Recreation master plan. The consultants are ASWN.

The Design Standards are close to being done.

The Commission discussed the first meeting in June. The Commission decided to cancel the first meeting in June. Commissioner Bliesner made a motion to omit the first Planning and Zoning Commission meeting in June from the schedule. Commissioner Anderson seconded the motion. The motion passed unanimously.

The contractor for the Nibley Elementary School would like direction on lighting along 3200. The issue is on City Council's agenda for next week. Commissioner Bliesner said he did not want the lights put in the utility easement. He would like them put in the park strip.

There was general consent to adjourn at 9:07 p.m.