

The Meeting of the Nibley Planning Commission held at Nibley City Hall, 625 W. 3200 S. Nibley, Utah, on Wednesday, October 28, 2009.

The following actions were made during the meeting:

Commissioner Bliesner motioned to approve the business license and conditional use permit for Joy Baby Blankets located at 110 W. 2600 S. #3. Commissioner Green seconded the motion which passed unanimously 4-0; with Commissioner Bliesner, Commissioner Green, Commissioner Heidt, and Commissioner Anderson all in favor.

Commissioner Anderson motioned to recommend the Nibley weed ordinance to City Council including the following changes; striking the wording “five acres in size or less” from 4-2-2 paragraph A and the comma behind “Nibley” be changed to a period. 4-2-2-A paragraph 1 would be eliminated, and in subsection A “corn, oats, alfalfa, etc.” would be struck and A would be changed to B, and the inclusion of the cost of violation to be added to section 4-2-4-D3. Commissioner Bliesner seconded the motion. The motion passed unanimously 4-0; with Commissioner Anderson, Commissioner Bliesner, Commissioner Green, and Commissioner Heidt all in favor.

Commissioner Marina Heidt called the Wednesday, October 28, 2009 Nibley City Planning Commission meeting to order at 7:00 p.m. Those in attendance included 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 10-14-09 meeting minutes and agenda.

Ms. Phippen said that she understood that they needed a motion on the agenda and approval of the minutes. Commissioner Bliesner made a motion to approve the agenda. Commissioner Green seconded the motion. The motion passed unanimously. Commissioner Bliesner made a motion to approve the minutes from the previous meeting. Commissioner Green seconded the motion which passed unanimously.

Conditional Use Permit—Business License

Joy Baby Blankets—request a conditional use permit and business license for a home occupation (baby blanket-making) located at 110 W. 2600 S. #3 (Applicant: Matt & Leeann Morris)

Matt and Leeann Morris were not present at the meeting. Commissioner Green was concerned that the business was in a trailer park and would not be able to accommodate customers. Ms. Phippen said the trailer court had visitor parking. The owner of the trailer court had requested to change the parking situation to add another trailer pad but she had told them no because they were increasing the intensity of the use.

Mr. and Mrs. Morris arrived at 7:10. Ms. Phippen said the trailer park is a legal non-conforming use. In code, legal non-conforming uses can be expanded or increased in

intensity of use although, she did not think permitting this type of business increased the intensity of use. The applicant did say there would be some UPS pick up and drop off but she did not feel that was an issue.

Commissioner Anderson arrived at 7:12.

Mrs. Morris said this was a manufacturing business not a retail business. Commissioner Green voiced his concern about customer parking. Mrs. Morris said there was another parking space across the street that was not in use if she did have a customer come to her home. Ms. Phippen said her only other concern was a sign. Mrs. Morris said she would like a sign similar to a realtor's sign. Ms. Phippen told the applicant she could only have small sign (2' x 18") that is attached to the house. Ms. Phippen advised the applicant that any employees of the business could not work from her home. Commissioner Bliesner said the reason Ms. Phippen gave the parking so much attention was because they recently denied a business that had equipment and a trailer to be considered. He sees a distinct difference between the two. Mrs. Morris showed some of her work to the Commission. Commissioner Bliesner made a motion to approve the business license and conditional use permit for Joy Baby Blankets located at 110 W. 2600 S. #3. Commissioner Green seconded the motion which passed unanimously 4-0; with Commissioner Bliesner, Commissioner Green, Commissioner Heidt, and Commissioner Anderson all in favor.

Consideration and recommendation of an ordinance regarding weed control on residential lots.

Ms. Phippen said this was the weed ordinance they talked about at the last meeting. She had made a couple of small changes. Ms. Phippen said she cut the footage from a residence back to 50 ft. from 100 ft. and included an exemption for agricultural crops. Commissioner Bliesner did not know why they allowed weeds anywhere. He did not care what size area it was if they could not contain the weed seed. He did not think they should let any area in the city go to weed higher than 10 inches. Commissioner Anderson agreed with Commissioner Bliesner. Commissioner Anderson suggested striking paragraph A-1 altogether and "five acre in size or less" from paragraph A. Commissioner Bliesner said native vegetation would be O.K. Commissioner Bliesner said weed violations could bring into consideration conditional use permits and conditions of occupancy; they could go that far. Corlyss Drinkard suggested adding wording that identified what agricultural crops were and/or referenced any higher regulations. Commissioner Bliesner said an agricultural crop was anything that someone is growing for profit that is legal or basically anything that is not on the list of noxious weeds. He said this is the weed ordinance not the crop ordinance. Corlyss Drinkard said if there is a higher regulation then it should be referenced in the ordinance. Commissioner Green said that made sense. Ms. Phippen said she would find the definition and include it with the definition of weeds. Commissioner Anderson said that there is a problem with lag time of a new crop being grown and harvested and being put on the list of agricultural crops. Commissioner Anderson said leaving it as is gives them latitude for those instances. Commissioner Bliesner said he would suggest if someone has been issued a conditional use permit and is not maintaining the property, then their conditional use permit should

come under review. Commissioner Anderson said when the city does this the only action they have is to go to court. Ms. Phippen asked if they needed to include that the cost incurred by the city to remedy the situation would be charged to the home owner in violation. The Commission agreed that needed to be included. Commissioner Green asked if Ms. Phippen had a system to keep track of violations that had been sent out. Ms. Phippen said she did. Commissioner Green said he would look for a way to attach the charge to the Nibley utility bill. Ms. Phippen said when the ordinance did get passed a copy would go out to every home in the utility bill. Ms. Phippen said this ordinance was not a land use issue and did not require a public hearing.

Commissioner Anderson made a motion to recommend the Nibley weed ordinance to City Council including the following changes; striking the wording “five acres in size or less” from 4-2-2 paragraph A and the comma behind “Nibley” be changed to a period. 4-2-2-A paragraph 1 would be eliminated, and in subsection A “corn, oats, alfalfa, etc.” would struck and A would be changed to B, and the inclusion of the cost of violation to be added to section 4-2-4-D3. Commissioner Bliesner seconded the motion. The motion passed unanimously 4-0; with Commissioner Anderson, Commissioner Bliesner, Commissioner Green, and Commissioner Heidt all in favor.

Workshop Items

Discussion on making Nibley City a Tree City USA community.

Ms. Phippen said frequently she and Mr. Anhder would get information on grants with the stipulation that you must be included as a Tree City U.S.A. To be considered a tree city they are required to have a tree advisory board, a tree care ordinance designating the types of trees they want to grow, a community forestry program with an annual budget of at least \$2/capita, and an Arbor Day observance and proclamation. Commissioner Bliesner said right now the cost of maintaining trees is low but in the future, as the trees get bigger, it becomes more and more costly to maintain them. Commissioner Bliesner said people are not keeping their trees trained and they will be an obstruction to the sidewalks in the future. Ms. Phippen thought this would be a good thing to work towards. Commissioner Bliesner asked if they were still interested in doing a park strip ordinance. Commissioner Bliesner said there may be a certain amount in the budget for tree maintenance it just had not been itemized. Ms. Phippen said it was not a matter of coming up with the budget money; it is a matter of accounting for that budget money being spent on trees and tree maintenance. Ms. Phippen said out of the four things they need to have, the hardest to demonstrate is the annual budget. Barbara Willden asked about the tree board and if they would be in charge of the accounting. Commissioner Bliesner said the tree board may be allotted a certain amount of money from the city budget. Ms. Phippen said this was one of her next projects; to come up with a tree care ordinance and set up the goals and duties of a tree advisory committee.

Planning & Zoning reports

Ms. Phippen asked the Commission’s thoughts on requiring landscaped entrances to subdivisions. Commissioner Bliesner said he is 100% for it. Commissioner Heidt asked who maintained them. Commissioner Bliesner said HOA’s (Home Owners Associations). Commissioner Heidt said that was the problem. Commissioner Bliesner said all great

neighborhoods had an identity and that landscaped entrances helped establish that identity. Commissioner Bliesner said in HOA's that work, developers actually establish the HOA and head the committee and make sure it works. Commissioner Anderson asked if they could provide standards for establishing an HOA. Ms. Phippen said they could but that most cities shied away from it. Commissioner Anderson asked if the city could go in and help the subdivision establish their HOA. Corlyss Drinkard asked if they could require a developer to submit the plans and specifics of an HOA during plat approval. Commissioner Bliesner said they could but the best communities were done voluntarily and it was based on marketability. Mrs. Drinkard said that would be the only avenue where the city could legitimately be involved in the HOA.

Ms. Phippen said they had another building of Spring Creek Townhomes come in. Ms. Phippen said they have multiple styles and are very nice. They are doing very well on building permits for the year. They have done 80.

Ms. Phippen said they had a new commercial building going into the Heritage Building Park. It is a scrapbooking company. They also have someone wanting to put in a restaurant by Peterson's.

Ms. Phippen asked Commissioner Anderson about an update on the school. He said it was going great and that it was on schedule to open July 1st.

Ms. Phippen said Commissioner Anderson's term on the Planning Commission is set to expire at the end of December. Ms. Phippen read Commissioner Green's reasons for Commissioner Anderson to stay:

He knows the citizens of Nibley and how they envision their town.

He has years of experience and a good understanding of the ordinances that govern Planning Commission.

He brings an expertise as a contractor/developer that the rest of the Commissioners do not have.

He is very articulate in explaining why he votes the way he does.

He is an all around good guy.

Commissioner Heidt said she agreed and it would be great to have him stay.

There was general consent to adjourn at 8:45 p.m.