

The Meeting of the Nibley Planning Commission held at Nibley City Hall, 625 W. 3200 S. Nibley, Utah, on Wednesday, November 12, 2008.

The following actions were made during the meeting:

Action Item 1: Commissioner Anderson motioned to approve a conditional use permit and business license for a residential cake decorating business located at 834 W. Forest Lane with the condition that the business license not be issued until the inspection certificate has been shown to city staff. Commissioner Bliesner seconded the motion. The motion passed 4-0; Commissioner Heidt, Commissioner Anderson, Commissioner Bliesner, and Commissioner Cook all in favor.

Action Item 2: Commissioner Cook makes a motion to approve the application for a business license and conditional use permit for a home office at 2382 S. 1275 W. Commissioner Anderson seconds the motion. The motion passed 4-0; Commissioner Heidt, Commissioner Anderson, Commissioner Bliesner, and Commissioner Cook all in favor.

Action Item 3: Commissioner Anderson makes a motion to approve an accessory building permit at 105 Quarter Circle Drive. The motion is seconded by Commissioner Cook. The motion passed 4-0; Commissioner Heidt, Commissioner Anderson, Commissioner Bliesner, and Commissioner Cook all in favor.

Action Item 4: Commissioner Anderson motions to recommend approval of the application to annex 2.36 acres located South and West of 4333 Hollow Rd. to city council. Commissioner Bliesner seconds the motion. The motion passed 4-0; Commissioner Heidt Commissioner Anderson, Commissioner Bliesner, and Commissioner Cook all in favor.

Action Item 5: Commissioner Anderson motioned to reject the proposed amendment to the Nibley City fence ordinance. Commissioner Cook seconds the motion. The motion passes 3-0; Commissioner Heidt, Commissioner Anderson, and Commissioner Cook all in favor. Commissioner Bliesner abstains because he has not made up his mind.

Commissioner Heidt called the Wednesday, November 12, 2008 Nibley City Planning Commission meeting to order at 7:00 p.m. Those in attendance included Commissioner Marina Heidt, Commissioner Wayne Anderson. Commissioner Aarron Bliesner, and Commissioner Carrie Cook. Commissioner Bill Green was excused. Shari Phippen, the zoning administrator, was also present.

Item 1: Approval of 10-22 meeting minutes and agenda.

Commissioner Heidt calls for approval the minutes from the October 22nd, 2008 meeting and the tonight's meeting agenda. There was general consent on the minutes and agenda.

Commissioner Heidt also gives Mrs. Bodily her new email address and request all future minute be sent to it.

Item 2: Conditional Use Permit-Business License—Immaculate Cakes—request a conditional use permit and business license to have an in-home cake decorating/bakery located at 834 W. Forrest Lane. (Applicant: Becky Mendoza)

Becky Mendoza is present at the meeting. Ms. Phippen's suggestion is to put a condition on the permit that before the business license is issued the applicant needs to bring in a receipt of inspection by the department of agriculture. Commissioner Bliesner asks if there is a law that requires the Commission to hold up approve based on that. Ms. Phippen states the agricultural department said no. Commissioner Anderson states their ordinance does require that everyone follow state law. Commissioner Anderson asks the applicant if she would have a problem with bringing in an inspection sheet. Becky Mendoza states she does not. Becky Mendoza states the paperwork on the government end is expected to take quite a while. Commissioner Anderson makes a motion to approve this application for a conditional use permit and business license for this applicant at this address with the conditions listed on the application, and with the condition that the business license not be issued until the inspection certificate has been shown to city staff, in particular Ms. Phippen. Commissioner Bliesner seconds the motion. The motion passes unanimously.

Item 3: Conditional Use Permit-Business License—Ashlie Mae Photography—request a conditional use permit and business license to have a home office for a photography business located at 2382 S. 1275 W. (Applicant: Ashlie Mae McKnight)

Ashlie McKnight is present at the meeting. Ms. Phippen states based on her application all the photography is going to be off site. People would be coming to her house to look at proofs. Ashlie McKnight states all she will be doing at her home is editing and will perhaps have one client per week in her home to see the pictures. Commissioner Cook makes a motion to approve the application for a business license and conditional use permit for this applicant at this address, per the application. Commissioner Anderson seconds the motion. The motion passes unanimously. Ashlie McKnight asks if the state of Utah requires a business license. Commissioner Bliesner advises her to register her business with the state and they will issue a tax number.

Item 4: Accessory Building Permit—Norm Edler-request approval to construct a 26 x 20 greenhouse at 105 Quarter Circle Drive.

Norm Edler is not present at the meeting. Ms. Phippen notes that the petition meets all size and setback requirements. Commissioner Anderson makes a motion to approve the accessory building permit for this applicant. The motion is seconded by Commissioner Cook and passes unanimously.

Item 5: Annexation Petition—Consideration of a petition to annex 2.36 acres of previously unincorporated land located South and West of 4333 Hollow Rd. into Nibley City. (Applicant: Vere H. Johnson Trust/Steve Stowers)

Mr. Johnson and Mr. Stowers are not present at the meeting. Ms. Phippen states the city council has accepted the petition. They are waiting to get certification back from the

county. Commissioner Anderson motions to recommend approval of the application to city council. Commissioner Bliesner seconds the motion which passes unanimously.

Item 6: Ordinance Amendment—Consideration of a proposed amendment to the Nibley City ordinance regarding fence regulations. (Applicant: Dustin and Shelly Cazier)

Dustin and Shelly Cazier are not present at the meeting. Ms. Phippen states the Cazier's have proposed some language that would change the fence ordinance and allow them to keep their fence as is. Commissioner Bliesner states that this is the best example of any to justify changing the ordinance. Ms. Phippen asks if it is their side fence that is the problem. Commissioner Bliesner and Ms. Phippen describe the situation at the Cazier's house. Ms. Phippen recognizes that their fence has been there awhile and proposes giving them more time to change it. Commissioner Anderson states he would not support this change and states the ordinance is good the way it sits. Commissioner Bliesner asks if they purchased the lot where the encumbrance was not created by them, it was created by a city that approved a subdivision that created their specific situation if anyone is amiable to them going before a variance board? Commissioner Anderson states to go to a variance board they have to have no other option. They have four options before them.

Commissioner Bliesner states he is concerned about the enforcement of the fence ordinance. Ms. Phippen states if they choose to ignore the city it is a Class B misdemeanor every day the fence is up. Commissioner Cook states she is fine with the ordinance the way it is. Commissioner Anderson makes a motion to reject the ordinance amendment. Commissioner Cook seconds the motion. The motion passes 3-1.

Commissioner Anderson, Commissioner Heidt, and Commissioner Cook are in favor. Commissioner Bliesner abstains because he has not made up his mind.

Workshop Items

Review and discuss updated Design Standards for Commercial & Institutional Use.

Ms. Phippen states they have talked about why this is not in actual ordinance form. They have a section in their ordinance code about having them meet with their standards. She would look at not codifying the standards. In the compliance process ordinance they make reference to adhering to design standards. Commissioner Bliesner is concerned about jumping out of the standard process of codifying. He states they would be eliminating the legal process and asks if it is not code, how they enforce it. Commissioner Anderson states Logan city does not codify their standards but have an approval process for changing their standards. Commissioner Cook asks if they have a process?

Commissioner Anderson states the process of changing design guidelines or standards, that process should be codified. That has to be done. Commissioner Bliesner suggests inquiring about the process public works goes through. Ms. Phippen asks if it would be appropriate to state that any change to the Nibley City design guidelines require approval of the city council and the planning commission. The Commission will wait till the next meeting for the approval so they can review the revised design standards and propose changes. Commissioner Bliesner asks if they can both propose changes and also recommend for approval at the next meeting. The Commission decides that will be fine if the changes are minor.

Review and discuss approval process for updated Design Standards for Commercial & Institutional Use.

Ms. Phippen asks if they need all this information. Commissioner Anderson the process of approving whether they can build needs to be simpler. The code review needs to be more complicated. Commissioner Anderson believes this could be “toned down” and notes items such as grading plans, grading standards and draining and erosion control plans. He has never seen a grading standard. Commissioner Bliesner thinks the intent is to preserve historic trees/historic features. It is prevent people from coming in, bulldozing and removing the historic topography. Commissioner Anderson thinks they are stepping on personal property rights. Commissioner Heidt asks how they encourage it without dictating it? Commissioner Anderson states they don’t. Commissioner Cook can see where that would be a shady area. Commissioner Bliesner states he thinks the intent of this is to give them what they need for the next submittal, it shouldn’t actually say the standards other than what’s required for that submittal. Commissioner Anderson agrees that this is supposed to tell them what they need, not a standard. He proposes Ms. Phippen take out anything that is standards and write it as needs. Ms. Phippen will go through and make it what documents they need at each phase and how far in advance they need to have it back.

Planning and Zoning reports.

Ms. Phippen states there is a memo from Mr. Anhder about the community center. She notes that if the city outgrows the space or the school board has need of the space, the school board has agreed they will buy out the space. That will be in the shared use agreement. Commissioner Cook does not see how it fits their master plan. Commissioner Anderson and Commissioner Heidt think this is a bad idea. Commissioner Heidt thinks there is a future for a shared use but not this plan. Ms. Phippen suggests the Commission members email the City Council.

General consent to adjourn at 8:33 p.m.