

The Meeting of the Nibley Planning Commission held at Nibley City Hall, 625 W. 3200 S. Nibley, Utah, on Wednesday, February 10, 2010.

The following actions were made during the meeting:

Commissioner Green motioned to approve the kennel license for Walter Achatz for (3) three dogs located at 788 W. 2600 S. Commissioner Heidt seconded the motion with passed unanimously 3-0; with Commissioner Green, Commissioner Heidt, and Commissioner Cook all in favor.

Commissioner Heidt motioned to issue a business license and conditional use permit for Holly Wells for the business Classic Reflections at 1170 W. 2550 S. Commissioner Green seconded the motion which passed unanimously 3-0; with Commissioner Heidt, Commissioner Green, and Commissioner Cook all in favor.

Commissioner Anderson motioned to recommend final plat approval for Zollinger Acres, Phase 4 with the condition that the engineer's comments be incorporated before going to City Council. Commissioner Heidt seconded the motion which passed unanimously 4-0; with Commissioner Anderson, Commissioner Heidt, Commissioner Cook, and Commissioner Cook all in favor.

Commissioner Anderson motioned to recommend approval of the weed ordinance with the following correction; section 4-2-2: Standards of Weed Control item B will read "This shall not apply to those tracks engaged in the growth of agricultural crops or active pasture land." Commissioner Green seconded the motion. The motion passed unanimously 4-0; with Commissioner Anderson, Commissioner Green, Commissioner Heidt, and Commissioner Cook all in favor.

Commissioner Carrie Cook called the Wednesday, February 10, 2010 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, and Commissioner Wayne Anderson. Shari Phippen, the City Planner, was also present.

Approval of 1-13-10 meeting minutes and agenda.

There was general approval of the evening's agenda and minutes from the January 13, 2010 meeting.

KENNEL LICENSE

Walter Achatz—request approval for a kennel license for three (3) dogs located at 788 W. 2600 S.

Ms. Phippen said their puppy was just now six months old but they probably had it before the new animal use ordinance was passed therefore she is alright with the request. Really their lot is not big enough to have a third dog. Commissioner Heidt asked when the new ordinance was passed. Ms. Phippen said it was passed in September. Ms. Phippen said

she put an article in the newsletter recently because there had been some misunderstanding with the new ordinance. Commissioner Cook said they needed to make sure they started the transition and enforcing current ordinance. Commissioner Green made a motion to approve the kennel license for Walter Achatz for (3) three dogs located at 788 W. 2600 S. Commissioner Heidt seconded the motion with passed unanimously.

CONDITIONAL USE PERMIT/BUSINESS LICENSE

Classic Reflections— request approval for a conditional use permit and business license for a home occupation (cleaning/decorating) located at 1170 W. 2550 S. (Applicant: Holley Wells)

Mrs. Holley Wells was present at the meeting. Ms. Phippen said she had no problems with this. There would be no employees, no deliveries, no signage, and all work would be done off site. Commissioner Green asked the applicant the nature of her business. Mrs. Wells said she would do wedding flowers and she also cleaned homes. Commissioner Heidt made a motion to issue a business license and conditional use permit for Holly Wells for the business of Classic Reflections at 1170 W. 2550 S. Commissioner Green seconded the motion which passed unanimously. Ms. Phippen advised the applicant that she could come in and pay a \$30 business license fee in the office.

FINAL PLAT APPROVAL

Zollinger Acres—requests final plat approval for Phase 4 (14 lots) located at approximately 1450 W. 3390 S. (Applicant: Kim Datwyler)

Ms. Kim Datwyler was present at the meeting. Ms. Phippen reviewed the plat with Commissioner Heidt, Commissioner Green, and Commissioner Cook. Commissioner Cook asked if there were any canal issues. Ms. Phippen said there were not. Ms. Phippen said the city engineer is not through reviewing the plat but he did not see any issues that would keep the Planning & Zoning Commission from recommending the plat to City Council. He may have some comments on it. Ms. Phippen said she did anticipate City Council would have an issue with the average lot sizes. It meets what is required for the zone; 12,000 sq. ft. minimum but a 14,000 sq. ft. average. The subdivision as a whole met the average lot size requirement. She said looking at the preliminary plat, there was no way they could have broken it down so that every phase met the 14,000 sq. ft average. She believed the preliminary plat was approved before the language in the ordinance was changed. The lot sizes have not changed from preliminary approval. Staff recommendation was that the plat is approved and sent to City Council.

Commissioner Anderson arrived at 7:15.

Commissioner Cook asked what the frontage on a third acre lot had to be. Commissioner Anderson said 100 ft. down to 90 ft. It used to be an average on the frontage but had been changed. Ms. Phippen said the smallest is 100 ft. Ms. Phippen said she thought the motion should be made subject to the engineer's review. The engineer did not anticipate there would be anything that would hold it up the plat. Commissioner Anderson made a motion to recommend final plat approval for Zollinger Acres, Phase 4 with the condition that the engineer's comments be incorporated before going to City Council. Commissioner Heidt seconded the motion which passed unanimously.

WORKSHOP ITEMS

Discussion of revisions to the Nibley City Ordinance regarding weed control.

Ms. Phippen said they had recommended a version to City Council but the city manager was concerned with the enforceability of it. She said she removed the provisions that were there before. They now can get the sheriff to issue citations. Commissioner Cook asked what the citation would entail. Ms. Phippen said there was a fee associated with the citation. Ms. Phippen found and read the fee for a citation on a Class C misdemeanor. Ms. Phippen said she like this ordinance better—she liked three enforcement dates, six weeks apart, during the summer. Commissioner Heidt asked what would happen if she had out-of-control weed growth. Ms. Phippen said she will go out the first of June and note those weeds not cleaned up on the first of June and then send a letter advising the landowner they have 10 days to clean up the lot. She will then go out ten days later and if it is not done a final warning letter will be sent advising the owner they have 5 days to clear the weeds. If it is not done after that time she will send the sheriff out and they will be cited for an infraction.

Commissioner Anderson suggested adding “or active pasture lands” to section 4-2-2: B. He said he did not know if he considered that agricultural crop but they shouldn’t penalize active pasture land. Commissioner Heidt asked if they needed to define weeds differently or more extensively. Commissioner Anderson said they do not want to get so in depth that there is no latitude. Ms. Phippen said the recommended definition is what they have in the current ordinance. Commissioner Anderson said if the state defines it as a weed then they already define it as a weed too. Commissioner Anderson made a motion to recommend approval of the weed ordinance with the following correction; section 4-2-2: Standards of Weed Control item B will read “This shall not apply to those tracks engaged in the growth of agricultural crops or active pasture land.” Commissioner Green seconded the motion. The motion passed unanimously.

Planning and Zoning Reports

Ms. Phippen said there was a public hearing scheduled to discuss some proposals about reducing the landscaping requirements in industrial areas. The applicants were not done with their research. They should be expecting that hearing in a couple of weeks. Ms. Phippen thought they either needed to keep the 50ft. setback and require it to be landscaped or if they are going to allow parking in the front they could change it to a 50ft. setback with 10ft. of landscaping or they could change the building set back to a 30ft. setback and require the whole thing be landscaped. Those are the three that make sense to her. Ms. Phippen said right now their building set back is fine but they have 10ft. of landscaping, 40ft. of parking, and then their building starts. The physical location of their building is not the problem; the fact that they have parking in the setback is the problem. They have filed a request for a variance and they have filed an appeal because they were sent a letter saying that until the issue was resolved they did not have a valid building permit. You cannot have a building permit in conflict with city ordinance. In a couple of weeks they have a hearing with Brian Cannel in which they are appealing the fact they do not have a building permit.

Ms. Phippen said they have received a petition to annex in Clair Peterson's property (134 acres). She said the Schiess's own 8.5 acres west of their house that is not in the city. The portion Mr. Peterson is annexing goes all the way around the Schiess property. The Schiess's are petitioning the county to put their land into agricultural protection. The Schiess's property is included in the annexation petition; they cannot create an island. The agricultural protection has not been granted so Mr. Schiess does not have to sign the petition for annexation at this point. Ms. Phippen said it is a bit of a race to the finish line between the annexation and being granted the agricultural protection. They are trying to work it out so both men get what they want. Commissioner Anderson said annexation doesn't change anything; it changes the city's borders and who you hook your utilities up to and nothing else. Mr. Schiess can still keep his land agricultural. Commissioner Anderson said they have submitted their petition for annexation so they have a date and that predates anything the Schiess's will do.

There was general consent to adjourn at 8:05 p.m.