

The Meeting of the Nibley Planning Commission held at Nibley City Hall, 625 W. 3200 S. Nibley, Utah, on Wednesday, March 23, 2011.

The following actions were made during the meeting:

Commissioner Green motioned to cancel the Planning & Zoning Commission meeting on April 13, 2011. Commissioner Heidt seconded the motion. The motion passed unanimously 4-0; with Commissioner Green, Commissioner Heidt, Commissioner Cook, and Commissioner Bliesner all in favor.

Commissioner Heidt motioned to approve the application for conditional use permit and business license for Nathan Christensen for Christensen Home Inspection, LLC located at 482 W. 2965 S. Commissioner Green seconded the motion. The motion passed unanimously 4-0; with Commissioner Heidt, Commissioner Green, Commissioner Cook, and Commissioner Bliesner all in favor.

Commissioner Cook motioned to approve the conditional use permit and business license for Riley Nelson for Larsen's Porta-Lube at 895 W. 2550 S. with the conditions that the car always remain in the driveway or garage, never parked on the street; and that this business license used as a home office; and all the oil and harmful materials be kept in appropriate containers and following all laws associated with those. Commissioner Heidt seconded the motion. The motion passed unanimously 4-0; with Commissioner Cook, Commissioner Heidt, Commissioner Green, and Commissioner Bliesner all in favor.

Commissioner Cook motioned to recommend the draft revised ordinance regulating signs in Nibley City to City Council. Commissioner Heidt seconded the motion. The motion passed unanimously 4-0; with Commissioner Cook, Commissioner Heidt, Commissioner Green, and Commissioner Bliesner all in favor.

Commissioner Aaron Bliesner called the Wednesday, March 23, 2011 Nibley City Planning Commission meeting to order at 7:00 p.m. Those in attendance included Commissioner Aaron Bliesner, Commissioner Marina Heidt, Commissioner Carrie Cook, and Commissioner Bill Green. Shari Phippen, the City Planner, was also present. Commissioner Wayne Anderson was excused from the meeting.

Approval of 3-9-11 meeting minutes and agenda.

There was general consent on the agenda and the 3-9-11 meeting minutes.

The Commissioners discussed whether they should hold a meeting on the 13th of April. Ms. Phippen will be in Boston, MA for the week previous to the meeting. Commissioner Bliesner asked if it would set them back on any issues or put off any applicants. Ms. Phippen said she was not aware of any applicants that would be put off.

Commissioner Green made a motion to cancel the Planning & Zoning Commission meeting on April 13, 2011. Commissioner Heidt seconded the motion. The motion passed unanimously 4-0; with Commissioner Green, Commissioner Heidt, Commissioner Cook, and Commissioner Bliesner all in favor.

Conditional use permit/Business License

Christensen Home Inspection, LLC—requests a conditional use permit and business license for a home occupation (home inspection) located at 482 W. 2965 S.

(Applicant: Nathan Christensen)

Mr. Nathan Christensen was present at the meeting. Commissioner Bliesner noted that staff had recommended approval. Ms. Phippen said it was essentially a home office; he cannot do home inspections from his house. Mr. Christensen said it was a small home office; no one would be coming to his house.

Commissioner Heidt made a motion to approve the application for conditional use permit and business license for Nathan Christensen for Christensen Home Inspection, LLC located at 482 W. 2965 S. Commissioner Green seconded the motion. The motion passed unanimously 4-0; with Commissioner Heidt, Commissioner Green, Commissioner Cook, and Commissioner Bliesner all in favor.

Larsen's Porta-Lube—requests a conditional use permit and business license for a home occupation (home office) located at 895 W. 2550 S. (Applicant: Riley Larsen)

Mr. Riley Larsen was present at the meeting. Commissioner Bliesner noted that staff recommended approval of this application. Ms. Phippen reminded the Commission that two weeks prior they approved an application on someone wanting to do dent repair on automobiles and similarly and none of the work for this applicant would be done at his house; essentially this was a home office. Commissioner Green asked the applicant if he would be running his business out of the white van he had seen in the parking lot. Mr. Larsen said he would be; he might be getting a paint job. Commissioner Bliesner asked the applicant how he dealt with the environmental regulations. Mr. Larsen said he had a person that would pick up the used oil and oil filters from him. Commissioner Bliesner said he was aware of regulations on where they could change oil and the type of equipment they had to have underneath the vehicle. Mr. Larsen said he had a large pan as well as the catch pan that would go underneath the vehicle. He also carried large absorbent sheets that were waterproof on the bottom. Commissioner Bliesner said their concern was that in the city he needed to follow whatever guidelines there were in controlling those substances. Commissioner Heidt asked how big a container he had where he stored the used oil. Mr. Larsen said he was not aware of how big the container was at the time. Commissioner Bliesner asked where he would store that container. Mr. Larsen said the container would be stored in his garage; if his volume goes up he would look for another outside location.

Commissioner Bliesner said taking into account concerns over the potential ecological harmful materials and the concerns of parking in the public right-of-way he was ready for a motion.

Commissioner Cook made a motion to approve the conditional use permit and business license for Riley Nelson for Larsen's Porta-Lube at 895 W. 2550 S. with the conditions that the car always remain in the driveway or garage, never parked on the street; and that this business license used as a home office; and all the oil and harmful materials be kept in appropriate containers and following all laws associated with those. Commissioner Heidt seconded the motion. The motion passed unanimously 4-0; with Commissioner Cook, Commissioner Heidt, Commissioner Green, and Commissioner Bliesner all in favor.

Discussion and consideration of a revised ordinance regulating signs within Nibley City

Ms. Phippen said she had asked Commissioner Anderson specifically about the ordinance. She said he had told her he did not have any problems with it; he liked the idea of the lumens. Commissioner Bliesner said he was concerned that this was one of those items the public did not pay attention to until it passed; he was concerned they had not had any public input. He was inclined to vote for it but was somewhat concerned about the LED portion of it. He was concerned that the public was unaware and would be opposed to this action however they had limited it to a singular stretch of road.

Commissioner Cook noted a suggestion from the South Cache Valley Corridor study that said they did not want to see billboards along that road to maintain the view.

Commissioner Bliesner said the only way he thought they would get some public present was to keep advertising it until it got noticed or pass it and send it to City Council. They could also approve it without the LED portion but he did not want to do that because the particular genesis for this project really needed something the city needed that property to be successful. Commissioner Bliesner noted they had one public hearing and it had been on two agendas. Commissioner Green said they cannot keep holding it up because the public is not noticing or is not interested in it. Commissioner Bliesner said he thought it was a good ordinance but he did not know how the public felt about those signs. Ms. Phippen said there would be another public hearing at the City Council level because it was a land use issue had to have public hearings at both meetings.

Commissioner Heidt asked who superseded when it came to city versus the South Corridor Committee. Ms. Phippen said it was the city; in order to make an action binding it had to be adopted by a legislative body. Commissioner Heidt said she could not see any set-back requirements for a sign. Ms. Phippen read from the ordinance; "all sign bases, foundation, or supporting apparatus shall be set back from the property line at least 10 ft."

Commissioner Bliesner said it had been the consensus of everybody in his circles that LED signs were not appropriate. The light flooding has an impact beyond the borders of the property which has an adverse effect on the community. Most, if not all, master plan communities prohibit them; it was fairly common for these signs to be prohibited. They are not seen as a benefit because of the impact. Commissioner Heidt said they would have the ability to have a say and control some of that. Commissioner Bliesner said his feeling was that it needed to go before the elected officials. Commissioner Cook asked Commissioner Bliesner's thought on Salt Lake. Commissioner Bliesner thought that Salt

Lake was opposed to these because they were overwhelmed with this sort of thing; they would rather have more of the atmosphere they have. He understands the argument very well of why people are opposed to these signs and he was inclined to side with them. Commissioner Heidt asked if they could regulate the number of EMD's they had per foot, etc. Ms. Phippen said that seemed a little arbitrary; they could make it a safety concern but there wasn't really a health safety or welfare to the public issue. Commissioner Bliesner said they should send it on to City Council and included any reservations they as a Commission have.

Commissioner Cook made a motion to recommend the draft revised ordinance regulating signs in Nibley City to City Council. Commissioner Heidt seconded the motion. The motion passed unanimously 4-0; with Commissioner Cook, Commissioner Heidt, Commissioner Green, and Commissioner Bliesner all in favor.

Ms. Phippen asked the Planning & Zoning Commissioners to send their reservations or any philosophical concerns they had to her via email and she would pass them along to the City Council.

Annual training on the Open and Public Meetings Act

Ms. Phippen said the Planning & Zoning Commission was a public body because it expended public funds, was appointed by the mayor, and they had bylaws, therefore they had to have open and public meetings. They have to have a quorum; but they are allowed to teleconference a member in. There are limited circumstances when a meeting can be close; mental stability, collective bargaining, litigation, real property, security issues, and allegations of criminal misconduct, etc. Someone needs to motion to go to executive session. They cannot take final action in a close meeting. The Planning & Zoning Commission has to have minutes; minutes are public record and can only be changed by the city recorder or a majority of the body. The Attorney General, County Attorney, or a public citizen who thinks they have been denied their rights can enforce the Open Public Meetings Act and it goes before a judge.

Commissioner Bliesner said a couple of months ago a City Councilman questioned a decision the Planning & Zoning Commission had made. One question that came out of that was the issue of City Councilmen directly communicating with Planning & Zoning Commissioners not in a public forum. The said Councilman contacted an attorney at the Utah League of Cities and Towns about the issue and the attorney suggested that they tend to over err on the side of caution; they are permitted to communicate with each other via email, or verbally and it did not need to be in a public meeting for the sake of communication. They were to work in a committee style with the City Council. Commissioner Bliesner said another issue that had come up was the issue of autonomy between City Council and Planning & Zoning Commission; he felt less concerned about that. They needed to use common sense.

There was general consent to adjourn at 8:07 p.m.