

The Meeting of the Nibley Planning Commission held at Nibley City Hall, 625 W. 3200 S. Nibley, Utah, on Wednesday, June 22, 2011.

**The following actions were made during the meeting:**

**Commissioner Green motioned to recommend City Council not repeal the planned unit development ordinance, but continue working on the draft ordinance that was recommended to them by the Planning & Zoning Commission. Commissioner Heidt seconded the motion.**

**Commissioner Bliesner motioned to amend to strike “continue working on the draft ordinance that was recommended to them” to be replaced with “to adopt the draft that was already recommended to them”. Commissioner Anderson seconded the amendment. The amendment passed 5-0; with Commissioner Bliesner, Commissioner Anderson, Commissioner Heidt, Commissioner Green, and Commissioner Cook all in favor.**

**The amended motion passed unanimously 5-0; with Commissioner Green, Commissioner Heidt, Commissioner Anderson, Commissioner Cook, and Commissioner Bliesner all in favor.**

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Commissioner Aaron Bliesner called the Wednesday, June 22, 2011 Nibley City Planning Commission meeting to order at 7:13 p.m. Those in attendance included Commissioner Aaron Bliesner, Commissioner Carrie Cook, Commissioner Marina Heidt, Commissioner Bill Green, and Commissioner Wayne Anderson. Shari Phippen, the City Planner, was also present.

**Approval of 6-8-11 meeting minutes and agenda**

There was general consent on the 6-8-11 meeting minutes and the evening’s agenda.

**Discussion regarding the regulation of business licenses and conditional use permits.**

Ms. Phippen said she had talked to Bill Saunders about Miller’s barn on the highway. Mr. Saunders said he had talked to Mr. Miller and he claimed it was an Ag barn because he would be storing farm equipment inside of it. Commissioner Bliesner said it was not zoned Ag. Ms. Phippen said that didn’t matter; the barn has been there for quite some time as an Ag barn and would be grandfathered in. Commissioner Bliesner said he would like a primer on what they would actually do when the call someone’s conditional use permit in for review; what they can and can’t do. He disagreed; there was not Ag equipment and the barn did not constitute an Ag building. Ms. Phippen said she could not find anything to indicate they had anything for equipment storage in the conditional use permit. Commissioner Bliesner said if that was the case, if they did not have a conditional use permit for that, then it needed to be addressed. The Planning & Zoning Commission discussed if the building was being used for Ag purposes and if it would need a conditional use permit. Ms. Phippen said she had been told from day one that Ag buildings did not need building permits. Commissioner Bliesner said he was fairly sure

that he did not qualify as Ag production and he would like to see documentation that said he was.

Ms. Phippen said she looked up Jason's Leishmans's conditional use permit and the conditions that were put on it. The conditional use permit said all items and equipment had to be stored behind the front plane of the house and enclosed and except for what he had three years ago he could not store any additional equipment. Ms. Phippen said if she had photographic evidence then she could pull his conditional use permit because the conditions were very clearly stated. Commissioner Bliesner suggested that they should include in their ordinance, where it was appropriate, that any and all vehicles associated with a home business not be allowed to be parked in the public right-of-way; he said they needed to deal with that. This would eliminate heavy equipment and trailers and commercial related items that were not part of a neighborhood. Commissioner Bliesner said he took issue with the continual parking of big trailers, with dangerous equipment in neighborhoods where kids are darting in and out of driveways. Commissioner Cook wished they had a parking lot that they could provided space for truckers and drivers.

Ms. Phippen suggested they ought to develop an ordinance on home-occupations and put some standardized conditions on them. Commissioner Anderson said it sounded like they had a complaint and needed to review his conditional use permit. Ms. Phippen said she could bring him in for the next meeting. Commissioner Bliesner said he wanted to know their limits and responsibilities before he was brought in. Commissioner Anderson said they should tie the new ordinance in before he was brought in because his business license could be revoked too; they would have no tax ID number and it would force them to comply. Commissioner Bliesner questioned if citizens would be grandfathered in. Commissioner Anderson said if they make an ordinance change and tie business licenses and conditional use permits together in an ordinance then they can put specific language in the ordinance that makes it retroactive. Commissioner Bliesner said his philosophy was he did not care if someone had a business out of their home if he does not know they are doing it. They issue the business license out of a courtesy to them because they need the business license; it was the ones that are an impact on the neighborhood that they care about.

**7:15—Public Hearing—A public hearing to consider an ordinance repealing Title 10-16 of the Nibley City Land Use Code, Planned Unit Developments.**

Ms. Phippen said the City Council felt it was not necessary to have any form of a planned unit development ordinance. She strongly disagreed but in order to repeal Ordinance 10-16 there needed to be a public hearing and a recommendation from the Planning & Zoning Commission to City Council. Ms. Phippen said the Council felt the Ordinance left too much room for favoritism but she felt the ordinance they had worked on was a good middle ground; she agreed that the ordinance that was on the books was way too open ended. She said the one they worked on and passed on to City Council gave the city the amenities and varieties of housing types the city had expressed an interest in having. If they did away with the planned unit development ordinance they would do away with developments like Spring Creek Crossing and any other senior type developments and she thought they needed to have it.

Commissioner Bliesner opened the public hearing at 7:43 and seeing no public comment closed the public hearing at 7:43.

Commissioner Bliesner asked why they did not call the conservation subdivision ordinance their planned unit development ordinance. Ms. Phippen said even with the conservation subdivision ordinance they could not have a Spring Creek Crossing project; the smallest lot they would get in a conservation subdivision is 8,000 sq. ft. Commissioner Anderson noted the conservation ordinance was put in place purely for open space and Ms. Phippen noted it was only for single family housing; the conservation subdivision ordinance was a planned unit development for single family living. Commissioner Bliesner said the conservation subdivision ordinance was his idea of what was wrong with the planned unit development; it more specifically said what they expected if the developer wanted a certain density. Commissioner Anderson said they had fixed that with the new planned unit development ordinance. Commissioner Bliesner asked if the planned unit development was not a planned unit development and was drafted as a zone so they could be put in areas that were more compatible with adjacent zones. Ms. Phippen said in the past the City Council had been very vocal about doing any zones that were smaller than a third acre. Commissioner Bliesner said he had never been comfortable with planned unit development; he was uncomfortable with the “wishy-washyness” of it. He did not like ordinances that were so open to interpretation.

Commissioner Heidt said she agreed with Ms. Phippen and that the City Council needed to review their definition of a planned unit development and why they didn’t want it; there was purpose for it, it just needed to be defined better. Commissioner Cook said there was a need to have different housing units. Commissioner Anderson said from a planning stand point they wanted as many tools to work with as possible; it was a tool that would be missed, maybe not now, but in the future if it was gone. Commissioner Heidt said it fulfilled a need.

Commissioner Green made a motion to recommend City Council not repeal the planned unit development ordinance, but continue working on the draft ordinance that was recommended to them by the Planning & Zoning Commission. Commissioner Heidt seconded the motion.

Commissioner Bliesner said he would like to see the motion state that they recommend they adopt the ordinance that was recommended to them.

Commissioner Bliesner made a motion to amend to strike “continue working on the draft ordinance that was recommended to them” to be replaced with “to adopt the draft that was already recommended to them”. Commissioner Anderson seconded the amendment. The amendment passed 5-0; with Commissioner Bliesner, Commissioner Anderson, Commissioner Heidt, Commissioner Green, and Commissioner Cook all in favor.

The amended motion passed unanimously 5-0; with Commissioner Green, Commissioner Heidt, Commissioner Anderson, Commissioner Cook, and Commissioner Bliesner all in favor.

Ms. Phippen said the tentative date for the summer family party was August 18<sup>th</sup>.

The Planning & Zoning Commission discussed tying the conditional use permits to the business license and making them retroactive. Commissioner Anderson said any property that had a conditional use permit on it without a business license would just go away. It would clean up the city records and be easier to track and if someone missed paying for their business license they would have to come back and renew their conditional use permit and they could put more conditions on it after some feedback. Commissioner Bliesner said he had always had concerns that the conditional use permit remained with the property. Commissioner Anderson said the only times he can recall doing a conditional use permit without a business license was a kennel license. Commissioner Bliesner said it would be nice to know what a new tenant of a property intended to do so they were not going off what the realtor told them.

Commissioner Bliesner suggested they could also require that any activity that would require a building permit to be pulled on any other structure would also be required for an accessory building. Commissioner Green agreed with tying the Councilman Larsen and conditional use permit together and that if the business license expired then the conditional use permit expired too. Commissioner Cook asked how this would affect people that had been doing business out of their accessory buildings for a long time. Commissioner Anderson said it did not affect anybody retroactively that is still doing business and still has a valid business license; it only affects them if the business license lapses. Commissioner Bliesner said he did not see the issue with having a business out of an accessory building. He did not understand why it could be allowed in the walls of a house but not out of an accessory building as long as it was contained. Commissioner Anderson said they should keep the two separate; keep the business licenses and conditional uses as one ordinance and then address that in their home occupation ordinance they were talking about. He said having a business out of an accessory building resolved some problems. He thought they should limit the size that accessory buildings could be if it was going to be used for business applications. Commissioner Bliesner said going in and defining what permitted business were would clean that up. Commissioner Bliesner said he was not suggesting they get rid of any of the other restrictions like no employees; he felt obligated to follow the law but did not think it really mattered. Commissioner Anderson said maybe they needed to start requiring the business with trailers to keep their equipment enclosed. Commissioner Bliesner would also like to see them define a home office and if they met those requirements not require them to come in to the Planning & Zoning Commission.

There was general consent to adjourn at 8:26.