

The Meeting of the Nibley Planning Commission held at Nibley City Hall, 455 W. 3200 S. Nibley, Utah, on Wednesday, August 28, 2013.

The following actions were made during the meeting:

Commissioner Anderson motioned to approve the request for a conditional use permit and business license for Bear River Contractors; applicant Michael Burton, located at 4850 Hollow Rd. with the conditions that enclosed and flat bed trailers on the premises be parked behind the front plane of the house and that no other equipment be allowed on the site. Commissioner Green seconded the motion. The motion passed unanimously 4-0; with Commissioner Anderson, Commissioner Green, Commissioner Bliesner, and Commissioner Beus all in favor.

Commissioner Bliesner motioned to suspend the agenda at 7:16. Commissioner Anderson seconded the motion. The motion passed unanimously 4-0; with Commissioner Bliesner, Commissioner Anderson, Commissioner Green, and Commissioner Beus all in favor.

Commissioner Green motioned to approve the request for a conditional use permit and business license for a Jody Kaneko; applicant Jody Kaneko, located at 439 W. 3300 S. with the conditions listed on the application. Commissioner Bliesner seconded the motion. The motion passed unanimously 4-0; with Commissioner Green, Commissioner Bliesner, Commissioner Anderson, and Commissioner Beus all in favor.

Commissioner Anderson motioned to approve the conditional use permit and business license for Custom Confections, located at 2490 S. 1100 W.; applicant Monika Callahan, per the requirements listed on the application. Commissioner Bliesner seconded the motion. The motion passed unanimously 4-0; with Commissioner Anderson, Commissioner Bliesner, Commissioner Green, and Commissioner Beus all in favor.

Planning and Zoning Commission Acting-Chair, Kathryn Beus called the Wednesday, August 28, 2013 Nibley City Planning Commission meeting to order at 7:08 p.m. Those in attendance included Commissioner Kathryn Beus, Commissioner Aaron Bliesner, Bliesner, Commissioner Bill Green, and Commissioner Wayne Anderson. The City Planner was also present. Commissioner Mark Lawver was excused from the meeting.

Approval of 8-14-13 meeting minutes and the evening's agenda

There was general consent for the last meeting's minutes.

There was general consent for the evening's agenda.

Conditional Use Permit/Business License

Bear River Contractors—request a conditional use permit and business license for a home occupation (general contractor) located at 4850 Hollow Rd. (Applicant: Michael Burton)

Mr. Michael Burton was present at the meeting. The City Planner said this application was on the agenda for the last meeting but the applicant was given the wrong date. She said she had read from the minutes that the Planning & Zoning Commission needed more information. Mr. Burton directed the Planning & Zoning Commission to a Google display of his property. Commissioner Anderson asked Mr. Burton about what equipment he had. Mr. Burton said he had a 12 foot enclosed bull trailer and a flat bed trailer. He said he wouldn't have anymore equipment than what he had right now. He said he wouldn't have customers at his home either.

Commissioner Anderson made a motion to approve the request for a conditional use permit and business license for Bear River Contractors; applicant Michael Burton, located at 4850 Hollow Rd. with the conditions that enclosed and flat bed trailers on the premises be parked behind the front plane of the house and that no other equipment be allowed on the site. Commissioner Green seconded the motion. The motion passed unanimously 4-0; with Commissioner Anderson, Commissioner Green, Commissioner Bliesner, and Commissioner Beus all in favor.

Commissioner Beus noted that the next applicant (Custom Confections) was not present at the meeting.

Commissioner Bliesner made a motion to suspend the agenda at 7:16. Commissioner Anderson seconded the motion. The motion passed unanimously 4-0; with Commissioner Bliesner, Commissioner Anderson, Commissioner Green, and Commissioner Beus all in favor.

Jody Kaneko—request a conditional use permit and business license for a home occupation (flooring installation) located at 439 W. 3300 S. (Applicant: Jody Kaneko)

Mr. Jody Kaneko was present at the meeting. Mr. Kaneko said this was just for an office. Commissioner Bliesner clarified that strictly for the purposes of having a tax number and a business license for a tax address. Mr. Kaneko agreed. Commissioner Green asked about Mr. Kaneko tools. Mr. Kaneko said if he had any tools with him they would be in the bad of his truck and that this was a sub-contracting business.

Commissioner Green made a motion to approve the request for a conditional use permit and business license for a Jody Kaneko; applicant Jody Kaneko, located at 439 W. 3300 S. with the conditions listed on the application. Commissioner Bliesner seconded the motion. The motion passed unanimously 4-0; with Commissioner Green, Commissioner Bliesner, Commissioner Anderson, and Commissioner Beus all in favor.

Workshop

Discussion of updates to the Nibley City subdivision ordinance

The Planning & Zoning Commission and City Planner discussed home owners associations (HOAs). Commissioner Bliesner suggested Nibley City could take over the HOA properties and maintain them as part of public lands. He said they could also facilitate the acquisition of the land by the homeowners. The City Planner said the City Manager had suggested creating a special service district where Nibley City would calculate the cost of maintaining the area for the year and then bills those residents in that area for the maintenance done by the city. Commissioner Anderson said that might encourage residents to get the HOA formed and functioning. He suggested the residents be given 9 months to create a functioning HOA or be a part of the special service district. Commissioner Bliesner and Commissioner Anderson agreed that Nibley needed to at least have a minimum standard for HOAs. Commissioner Bliesner stated that the City Council and Planning & Zoning Commission all agreed that something needed to be done. The City Planner said she would like it incorporated in the reworked subdivision ordinance. Commissioner Bliesner suggested it be taken care of in a committee directed by City Council.

The City Planner suggested holding a public meeting and explaining HOAs; what they do, how they function; and to get public input.

Custom Confections—request a conditional use permit and business license for a home occupation (cake decorating/baking) located at 2490 S. 1100 W. (Applicant: Monika Callahan)

Ms. Monika Callahan was not present at the meeting.

Commissioner Anderson made a motion to approve the conditional use permit and business license for Custom Confections, located at 2490 S. 1100 W.; applicant Monika Callahan, per the requirements listed on the application. Commissioner Bliesner seconded the motion. The motion passed unanimously 4-0; with Commissioner Anderson, Commissioner Bliesner, Commissioner Green, and Commissioner Beus all in favor.

Commissioner Bliesner thought Nibley City should prohibit HOAs totally and the City Planner agreed.

Commissioner Bliesner requested a change to the Nibley City ordinance restrictions on strictly home office use businesses. He said it should be a quick change to a paragraph. As long as there was no equipment and everything fit into one light vehicle and there were no client visits, and no employee visits then it should be a quick fee payment and exchanged of information.

Commissioner Bliesner also requested a city wide ban on equipment associated with home based businesses being parked in the public right-of-way; he would even extend it to the parking of RVs in the public right-of-way.

Staff Reports

The City Planner updated the Planning & Zoning Commission on the situation with an electrician the appeared before the Planning & Zoning Commission at the previous meeting.

The City Planner said the Nibley City needed to figure a way to work with the canal companies on subdivision approval; she was not of the opinion that they needed to sign the plat because she didn't feel they should have that level of regulatory authority over development in the city; they needed a better way to keep them in-the-loop. She and the Planning & Zoning Commissioners discussed ways to work with or facilitate the canal company and development.

There was general consent to adjourn at 8:37.