

The Meeting of the Nibley Planning Commission held at Nibley City Hall, 455 W. 3200 S. Nibley, Utah, on Wednesday, November 13, 2013.

The following actions were made during the meeting:

**Commissioner Anderson motioned to deny the request for a conditional use permit and business license for applicant Omar Bonada and Orbon Labs located at 1385 West 3390 South. Commissioner Green seconded the motion. The motion passed unanimously 5-0; with Commissioner Anderson, Commissioner Green, Commissioner Bliesner, Commissioner Beus, and Commissioner Lawver in favor.**

**Commissioner Anderson motioned to approve the accessory building permit for a 40' x 60' accessory building located at 3672 South Main with the conditions that the semi-trailers, at the time of substantial building completion and move in, be removed from the lot and that the majority of the collection of debris be moved into the shop or organized in some fashion. Commissioner Green seconded the motion. The motion passed 5-0; with Commissioner Anderson, Commissioner Green, Commissioner Bliesner, Commissioner Beus, and Commissioner Lawver all in favor.**

**Commissioner Bliesner motioned to continue consideration of the preliminary and final plat for the Holm Minor Subdivision, a lot split located at approximately 3500 South 640 West until the next meeting. Commissioner Beus seconded the motion. The motion passed 5-0; with Commissioner Bliesner, Commissioner Beus, Commissioner Green, Commissioner Bliesner, and Commissioner Lawver all in favor.**

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Planning and Zoning Commission Chair Mark Lawver called the Wednesday, November 13, 2013 Nibley City Planning Commission meeting to order at 7:00 p.m. Those in attendance included Commissioner Kathryn Beus, Commissioner Aaron Bliesner, and Commissioner Bill Green. The City Planner was also present.

#### **Approval of 10-23-13 meeting minutes and the evening's agenda**

General consent was given for the evening's agenda and general consent was given for the last meeting's minutes.

Commissioner Lawver noted to the public that the first public hearing on the agenda for Blacksmith Fork Ranches had been scratched. They had asked to be removed from the agenda.

#### **Conditional Use Permit/Business License**

**Orbon Labs—consideration of a request for a conditional use permit and business license for a home occupation (lab) located at 1385 West 3390 South (Applicant: Omar Bonada)**

Mr. Omar Bonada was present at the meeting. The City Planner said that this was a request for a home occupation and she had some concerns about the nature of the business; where it would be done, ect. She was not aware of how the business would be run and any quality control measures. She said the applicant did not actually say what he would be preparing. Commissioner Lawver asked Mr. Bonada about the nature of his business. Mr. Bonada said he was a scientist. He said he studied for different companies about bacteria and infectious diseases; usually that were manufactured in the food process and caused food poisoning. He said he used an incubator. He said he is careful to protect the environment. Commissioner Anderson asked if he would be manufacturing products. Mr. Bonada said not yet. He was looking for FDA certification. He would soon, in 3-4 months, and would look for a building to produce a natural insecticide. Mr. Bonada said he was the sixth scientist in the National Science Foundation and was new in the area. Commissioner Anderson clarified that he would be mainly research and development. Commissioner Anderson asked what chemicals he would use. Mr. Bonada said nothing and he didn't put anything in the sewer; he said he would need a big building for manufacturing practices. Mr. Bonada said he would be working out of the garage and wouldn't be doing any modifications to his home. Commissioner Anderson asked about the need for filtering or Hepa systems. Mr. Bonada said he would not need those systems. The City Planner clarified that his business was mostly diagnostic and there would be no cultivation. Commissioner Bliesner asked if it would be contained in one room in his house. Mr. Bonada said he would not be producing out of his home. Mr. Bonada said he would mostly consult with people when there was a problem and do research and development. Commissioner Lawver asked Commissioner Anderson about consulting the land use chart. Commissioner Anderson said he read from the land use chart that any type of lab was not permitted in the residential zone. He said it was permitted in commercial, industrial, and was conditional in neighborhood commercial. Mr. Bonada said the bacteria would be coming from restaurants and there was more risk of coming into contact with the bacteria at the restaurant where it was coming from. Commissioner Green also read that research and development was not permitted in a residential zone.

Commissioner Anderson made a motion to deny the request for a conditional use permit and business license for applicant Omar Bonada and Orbon Labs located at 1385 West 3390 South. Commissioner Green seconded the motion. The motion passed unanimously 5-0; with Commissioner Anderson, Commissioner Green, Commissioner Bliesner, Commissioner Beus, and Commissioner Lawver in favor.

### **Accessory Building Permit**

#### **Ron Miller—consideration of a request for a building permit for a 40' x 60' accessory building located at 3672 South Main**

Mr. Ron Miller was present at the meeting. The City Planner described the location of Mr. Miller's lot and home. She described the location of the proposed shop. She said the shop would have doors on the front which would face Highway 165. She said the shop met the height, size, and setback limits for his property but she was concerned that the building would exceed 25% of the back yard space. She said unless some of the non-building items in the yard were removed then she was not sure the accessory building would fit into the existing space.

Commissioner Green asked where the applicant would put the big trailers. Mr. Miller said he would store those items when he had a place to put them. Commissioner Lawver asked if the items in his yard would fall under a Nibley's nuisance ordinance. Mr. Miller discussed the items he intended to store in the accessory building. Commissioner Green said he had no issues with the building itself as long as the other items were moved out. Commissioner Lawver said the Nibley ordinance was written for an average lot; he said Mr. Miller's property was not an average lot. Commissioner Anderson said he was alright with the building because of the shape of the lot but said he wanted to attach conditions the addressed the trailers and the storage of items. Commissioner Lawver said he didn't have a problem with the building because of the size of the lot.

Commissioner Anderson made a motion to approve the accessory building permit for a 40' x 60' accessory building located at 3672 South Main with the conditions that the semi-trailers, at the time of substantial building completion and move in, be removed from the lot and that the majority of the collection of debris be moved into the shop or organized in some fashion. Commissioner Green seconded the motion. The motion passed 5-0; with Commissioner Anderson, Commissioner Green, Commissioner Bliesner, Commissioner Beus, and Commissioner Lawver all in favor.

### **Public Hearings**

**A public hearing to receive comment on the preliminary and final plat for the Holm Minor Subdivision, a lot split located at approximately 3500 South 640 West (Applicant: Neil McBride/Denise Holm)**

The City Planner said the Neil McBride had contacted the city; he owned 10 acres that ran along 640 west. He wanted to do a minor subdivision; splitting 4.5 acres off so that his daughter could build a home. The City Planner reviewed items that had been noted in the engineer's review. She said the Planning & Zoning Commission needed to take into consideration a dedication of a portion of 640 West and how to handle the installation of infrastructure improvements for a road, curb, gutter, and sidewalk. She discussed and escrow process that had she had discussed with Bill Saunders.

Commissioner Lawver opened the public hearing at 7:44.

Commissioner Green left at 7:44.

Mr. Brian Andersen reminded the Planning & Zoning Commission that they had already given him the alright to put a house on his property and asked if this would have any bearing on that house. The City Planner said it would not. Mr. Andersen said he did not problem with what was being described. Mr. Anderson asked if there would be a road from 640 West over to his property line. The City Planner said she did not think so. She said there would have to be another subdivision process done.

Jen Stevens said she lived in the property just to the north. She asked about stipulations on the home that could be put on the property. The City Planner said it had to meet

building code. She asked if there were stipulations to where the building could be placed. Commissioner Lawver said it had to meet all setback requirements.

Commissioner Green returned at 7:48.

The City Planner said she had been given the proposed house plan and showed the approximate area where the home would be built. Ms. Stevens asked if they could subdivide and put more homes on that site. Commissioner Lawver said they could have to come in to subdivide and go through the same process again.

Jesse Jensen said he lived in Ashberry Estates. He asked what would happen to the canal in that area. Mr. Jensen was concerned with flooding on his property. Commissioner Bliesner told Mr. Jensen if he was having problems that he should take them to the ditch company. Commissioner Anderson said water rights did not have to go with the land.

Seeing no further public comment, Commissioner Lawver closed the public hearing at 7:52.

**Discussion and consideration of the preliminary and final plat for the Holm Minor Subdivision, a lot split located at approximately 3500 South 640 West (Applicant: Neil McBride/Denise Holm)**

The City Planner said with the applicant not being present, that she would recommend not acting on or continuing the application. She described the next meeting schedule. Commissioner Anderson said he wanted to have cost estimates and escrow plans for the curb, gutter, and sidewalk at final approval.

Commissioner Bliesner made a motion to continue consideration of the preliminary and final plat for the Holm Minor Subdivision, a lot split located at approximately 3500 South 640 West until the next meeting. Commissioner Beus seconded the motion. The motion passed 5-0; with Commissioner Bliesner, Commissioner Beus, Commissioner Green, Commissioner Bliesner, and Commissioner Lawver all in favor.

**A public hearing to receive comment on proposed changes to the Nibley City subdivision ordinance**

Commissioner Lawver opened the public hearing at 7:57.

The City Planner she had been reworking the subdivision ordinance based on discussion held in City Council. She said it had been 20+ years since some portions of the subdivision ordinance had been reviewed. She felt there was a lot of ambiguity in Nibley's current subdivision ordinance. The City Planner displayed the proposed subdivision ordinance. She noted that in the past they had allowed developers to start clearing and digging prior to any approval and this had caused problems in some instances. This ordinance wouldn't allow any work to be done prior to final plat approval. She felt they needed to tighten the requirements up. She said the ordinance gave a clear set of expectations for subdividing. The City Planner discussed the length given after final approval to have a subdivision recorded. The City Planner said she intended to have

one set of land use definitions and said this ordinance struck all definitions and referenced the State Land Use Development and Management Act; the City Planner wanted to put one set of land use definitions in Title 10. The City Planner said she had added references to the Nibley City design standards; struck outdated items; moved and reorganized the ordinance; clarified standards for preliminary and final plat; outlined the process for working with canal companies; included the new state requirements for approval of lot line adjustment; and updated sewer development requirements.

Barbara Wilden asked if the proposed ordinance was on the city website. The City Planner said they were typically not posted until the ordinance was ready to go to City Council. The Planning & Zoning Commission discussed having a second public hearing. Commissioner Lawver said the Planning & Zoning Commission would be looking at the ordinance for some time. Mrs. Wilden said she would appreciate hearing the ordinance three pages at a time.

Seeing no further comment, Commissioner Lawver closed the public hearing at 8:15.

#### **Discussion and consideration of proposed changes to the Nibley City Subdivision Ordinance**

Commissioner Lawver noted some grammatical errors in the proposed ordinance. Commissioner Lawver suggested they add a specific section that addressed phasing. The Planning & Zoning Commission discussed the proposed ordinance and suggested revisions. The Planning & Zoning Commission and City Planner discussed development agreements.

The Planning & Zoning Commission asked for a clean version of the proposed ordinance with their proposed changes included. Commissioner Lawver directed the City Planner to have another public hearing on the ordinance posted on the agenda for the next meeting.

#### **Staff Reports**

The City Planner reported on a meeting with the County Planner, Josh Runhaar, about revising Title 10 city code.

The City Planner reported on the Nibley City employee dinner being held on Thursday, December 6 at 6:00 at City Hall.

There was general consent to adjourn at 9:07.