

The Meeting of the Nibley City Planning Commission held at Nibley City Hall, 455 W. 3200 S. Nibley, Utah, on Wednesday, April 9, 2014.

The following actions were made during the meeting:

Planning and Zoning Commission Chair Mark Lawver called the Wednesday, April 9, 2014 Nibley City Planning Commission meeting to order at 7:05 p.m. Those in attendance included Commissioner Mark Lawver, Commissioner Aaron Bliesner, Commissioner Dave Davenport, and Commissioner Bill Green. Shari Phippen, the City Planner, was also present. Commissioner Wayne Anderson was excused from the meeting.

Approval of 3-26-14 meeting minutes and the evening's agenda

Commissioner Bliesner made a motion to approve the evening's agenda. Commissioner Green seconded the motion. The motion passed unanimously 4-0; with Commissioner Bliesner, Commissioner Green, Commissioner Davenport, and Commissioner Lawver all in favor.

Commissioner Green made a motion to approve the March 26, 2014 minutes. The motion passed unanimously 4-0; with Commissioner Green, Commissioner Bliesner, Commissioner Lawver, and Commissioner Davenport all in favor.

Workshop Discussion

Discussion regarding creation of a Home Occupation ordinance for Nibley City

Miss Phippen summarized the history of discussions and actions that brought about creating a home occupation ordinance for Nibley City. She said an ordinance would give the public a greater understanding of what they could or could not do under a home occupation. Miss Phippen had example ordinances from South Jordan and Sandy Cities for the Planning & Zoning Commission to review and discuss. Commissioner Lawver said he preferred the example from South Jordan but felt they should incorporate some items from the Sandy ordinance. Commissioner Lawver said he was in favor of anything that would take home occupations off of the Planning & Zoning Commission agenda and give it to city staff.

Commissioner Green expressed that he felt they often received pertinent information when the applicants came before the Planning & Zoning Commission for approval. Commissioner Lawver said that all applications for a home business would include the proviso that staff would have the discretion to require an application come before the Planning & Zoning Commission for approval. Commissioner Davenport said he liked delegating to staff but preferred to somehow differentiate between the uses that came before staff and which came before the Planning & Zoning Commission. Commissioner Bliesner interpreted Commissioner Davenport statement as having an additional land use chart that referred to permitted businesses in zones. Commissioner Davenport disagreed and said he wanted to list the kind of businesses that were run out of a home and that some of those would approved by staff. He agreed that it would "jive" with the land use

chart. Miss Phippen asked the Planning & Zoning Commission for things they would like to see incorporated into a home occupation ordinance. Commissioner Davenport said he liked to see a lot of detail. Commissioner Green suggested if there were no deliveries, production, or storage then they shouldn't need to review the application. Commissioner Bliesner felt a lot of their home occupation restrictions were unfairly strict. He discussed businesses that could run out of an accessory building. He also felt they were very "gray" on the client visits and said he did not like it being so arbitrary. He liked regular business hours, only one client visit at a time, and provided off-street parking. Commissioner Lawver said he would be concerned if there were somehow a burden on utilities. Commissioner Bliesner said he was not swayed by employees coming to businesses; he didn't want to allow outside employees.

The Planning & Zoning Commission discussed daycare situations and provisions. Commissioner Davenport discussed his caution when driving around day care situations and said as long as they adhered to the licensing restrictions put on them he didn't have anything against day cares. Commissioner Lawver asked Miss Phippen to "rip off" the South Jordan ordinance and include the prohibited home occupations from the Sandy ordinance and including Nibley City's additions and exclusions. Commissioner Green wanted to include the verification section from the South Jordan ordinance. Commissioner Bliesner said he felt the city had the obligation to ensure its citizens were in compliance so neighbors or residents wouldn't have to complain in order to see action. Commissioner Davenport stated that he preferred the Sandy ordinance and referenced the grounds for denial section of the ordinance. Commissioner Bliesner said he felt the South Jordan ordinance application educated the applicant better than the current Nibley City application and letter. He felt the applicant should sign that they had read and understood the Nibley City ordinances relevant to home occupations. Commissioner Davenport referenced a category system included in the Sandy home occupation ordinance. Miss Phippen said she would draft a proposed ordinance that blended items from both example ordinances and incorporated the items suggested by the Planning & Zoning Commission. Commissioner Lawver asked the Planning & Zoning Commissioners to keep the provided ordinance examples for review at the next Planning & Zoning Commission meeting.

Discussion regarding updates to the Nibley City Planning Commission powers & duties

Miss Phippen said she and Commissioner Bliesner had sat with the Nibley City attorney and discussed the powers and duties of the Planning & Zoning Commission and their role when making recommendations to City Council. Miss Phippen said the City Council often took items recommended by the Planning & Zoning Commission and "put them through a blender". Commissioner Bliesner said their ordinance stated that when site plans were changed more than 15% after preliminary they lost their standing and would therefore need to come back for review by the Planning & Zoning Commission. He questioned whether this applied when the changes were made by the City Council. Commissioner Bliesner said it had been his interpretation that this was the conventional wisdom that the Planning & Zoning Commission was held by strict code; that unless it was expressly writing that they had flexibility they had no room for anything outside of

what they interpret from city ordinance and that City Council was different in that they could do “whatever we want.” Commissioner Bliesner said he didn’t believe that any city official could approve something that was not in compliance with an ordinance. Miss Phippen said that was correct. Commissioner Bliesner read from State code 10.9a.406—Public Uses to Conform to General Plan. Commissioner Bliesner said general plans had flexibility build into them but they couldn’t just remove items from the general plan and referenced the removal of roads. He said they should have to readdress the general plan to remove a road. He was concerned that they had abandoned application of the law because they felt pressure. Commissioner Bliesner discussed a recent subdivision approval and said he felt concerned that they had abandoned the application of law and set a precedent. He said they needed to apply the law.

Miss Phippen and the Planning & Zoning Commission discussed land use authority duties held by the Planning & Zoning Commission or the City Council. Discussion then turned to subdivision phasing.

Miss Phippen and the Planning & Zoning Commission discussed a proposal for a special taxation district. The Planning & Zoning Commission discussed how they could inform City Council that they had violated State law.

Commissioner Bliesner said he was concerned with the number of land use items that went to the City Council and never came before Planning & Zoning Commission and suggested instances where this had happened. Commissioner Davenport and Commissioner Bliesner discussed powers and duties that they felt should go to city staff. Miss Phippen said she could prepare a resolution that would designate certain duties (i.e. shed approval) to city staff. The Planning & Zoning Commission approved the preparation of this resolution.

Miss Phippen discussed presenting a citizen land use workshop.

Staff Reports

Miss Phippen informed the Planning & Zoning Commission that after their next meeting on 4-23-14 then there would be a three week break until the next Planning & Zoning Commission meeting because of the May layout. Miss Phippen said she felt confident that the city manager could function in her place at the next Commission meeting.

Commissioner Bliesner discussed compliance issues; the gas station on the corner of 3200 regarding parking and parking on the unpaved portion of the property. Commissioner Lawver asked if Nibley had a procedure for compliance issues and how they were enforced. He asked who the compliance authority was. Miss Phippen said it was probably her. Commissioner Bliesner also reported on a citizen who came in for a large shed and did not appear to be running under the conditions of the conditional use permit.

Commissioner Bliesner made a motion to adjourn at 8:41. The motion passed unanimously 4-0; with Commissioner Bliesner, Commissioner Green, Commissioner Davenport, and Commissioner Lawver all in favor.

There was general consent to adjourn at 8:41.

Attest: _____
Deputy City Recorder