

The Meeting of the Nibley City Planning Commission held at Nibley City Hall, 455 W. 3200 S. Nibley, Utah, on Wednesday, June 11, 2014.

The following actions were made during the meeting:

Commissioner Anderson motioned to approve the conditional use permit and business license for CRAG, LLC located at 4263 Hollow Road; applicant Bryan Hansen, per the conditions on the application. Commissioner Bliesner seconded the motion. The motion passed unanimously 5-0; with Commissioner Anderson, Commissioner Bliesner, Commissioner Green, Commissioner Davenport, and Commissioner Lawver all in favor.

Commissioner Bliesner motioned to approve the accessory building permit for a 40'x60' shop located at 3476 South 450 West; applicant, Jim Anderson. Commissioner Green seconded the motion. The motion passed 4-1; with Commissioner Bliesner, Commissioner Green, Commissioner Davenport, and Commissioner Lawver all in favor. Commissioner Anderson abstained from the motion.

Planning and Zoning Commission Chair Mark Lawver called the Wednesday, June 11, 2014 Nibley City Planning Commission meeting to order at 7:03 p.m. Those in attendance included Commissioner Aaron Bliesner, Commissioner Dave Davenport, Commissioner Wayne Anderson, Commissioner Mark Lawver, and Commissioner Bill Green. Mr. Zook, the City Manager, was also present. Shari Phippen, the City Planner, was excused from the meeting.

Approval of 05-28-14 meeting minutes and the evening's agenda

General consent was given for the evening's agenda. General consent was given for the previous meeting's (5-28-14) minutes.

Conditional Use Permit/Business License

SCRAG, LLC—discussion and consideration of a conditional use permit/business license for a home occupation (household gadget invention) located at 4263 Hollow Rd. (Applicant: Bryan Hansen)

The applicant, Bryan Hansen, was not present at the meeting. Commissioner Lawver summarized his understanding of the application.

Commissioner Anderson made a motion to approve the conditional use permit and business license for CRAG, LLC located at 4263 Hollow Road; applicant Bryan Hansen, per the conditions on the application. Commissioner Bliesner seconded the motion. The motion passed unanimously 5-0; with Commissioner Anderson, Commissioner Bliesner, Commissioner Green, Commissioner Davenport, and Commissioner Lawver all in favor.

Accessory Building Permit

Consideration of a request for a building permit to construct a 40'x60' shop located at 3476 South 450 West (Applicant: Jim Anderson)

Mr. Jim Anderson was present at the meeting. Commissioner Davenport noted Nibley City ordinance 10-12-6 paragraph B. requirement 6; which read, "No accessory building or use shall constructed or developed on a lot prior to construction of the principal building." Commissioner Davenport said it read to him that the principal building was to be constructed before the accessory building. Commissioner Anderson believed the intent was that the applicant could construct both buildings as the same time. Commissioner Bliesner said state law required that when there was ambiguity in an ordinance then they were required to rule in favor of the applicant. The Planning & Zoning Commission discussed the intent of the ordinance. Mr. Zook felt they could add clarity by adding wording referring to the house being under construction. He felt their intent was to not have someone building an outbuilding without a primary residence to be constructed.

Commissioner Bliesner made a motion to approve the accessory building permit for a 40'x60' shop located at 3476 South 450 West; applicant, Jim Anderson. Commissioner Green seconded the motion.

Commissioner Anderson noted that he would be abstaining from the vote.

The motion passed 4-1; with Commissioner Bliesner, Commissioner Green, Commissioner Davenport, and Commissioner Lawver all in favor. Commissioner Anderson abstained from the motion.

Commissioner Lawver recognized individuals from Boy Scout Troop 408 who were in attendance at the meeting.

Workshop Discussion

Discussion of an ordinance regulation home occupation businesses in Nibley City

Mr. Zook read the summary notes that Miss Phippen had given to the Planning & Zoning Commission members prior to the meeting.

Commissioner Green read from the proposed ordinance on A. 1. 3. "such occupation shall not require interior or exterior alterations." He was concerned that there was a conflict on page 3, H.1.d. "All life safety and building codes shall be met and a building permit, if necessary, shall be obtained for remodeling." Commissioner Davenport also felt there was a conflict there and read a statement made by Commissioner Bliesner at the last meeting. Commissioner Bliesner said the intent of his statement was not to suggest that they should allow remodeling to but to strike H.1.d. from the proposed ordinance. He clarified that he felt everything after the word "met" should be stricken. He said the point was to ensure the house was not made into an unlivable house. Commissioner Bliesner also felt they could strike F. in its entirety. Commissioner Green read from page 2. F. "**Interior Alterations/Remodeling.** Interior alterations of the principal dwelling for the purpose of accommodating the home occupation are prohibited if such alteration eliminates the kitchen, and/or all of the dining areas, bathrooms, living areas, or all of the bedrooms." stricken in its entirety. Mr. Zook said he felt section F. was to limit

alterations but allowed them to do some minor modifications that could be allowed by the State in order to proceed with a business. Commissioner Bliesner felt if the nature of the business was such that it required the alteration of room into bigger room then the business didn't fit into their idea of a home occupation. Mr. Zook felt A.1.3. needed to be modified but they needed to include the limits (page 2. F.).

After further discussion the Planning & Zoning Commission decided to strike A.1.3.; and to add the wording from H.1.d. to 2. F and edit it to read “**Alterations/Remodeling.** Alterations of the principal dwelling for the purpose of accommodating the home occupation are prohibited if such alteration eliminates the kitchen, and/or all of the dining areas, bathrooms, living areas, or all of the bedrooms. A building permit shall be obtained for remodeling.”

Commissioner Green read item G.4. from the proposed ordinance which read, “Home occupations shall be conducted entirely within the dwelling unit and may not occupy, with either goods, materials, equipment or activities, any attached garage, accessory building or lot area. Training activities such as swimming, tennis and horseback riding or daycare or preschool activities may be conducted outdoors; provided, that no nuisance is created.” Commissioner Bliesner said the point of this section was to not run the business out of a garage so the residents could still have use of the garage.

Commissioner Green read G.7. “Employees of home occupations shall consist only of members of the family residing in the dwelling or other individuals whose activities are conducted away from the residence.” He gave an example of a family member not living in the home coming to work for another relative. Commissioner Bliesner stated that he liked the wording the way it was and the remainder of the Planning & Zoning Commission agreed.

Commissioner Green read from I.5. of the proposed ordinance which stated “ Stables, kennels, pet stores, or any other commercial animal breeding business, or similar activities are prohibited.” Commissioner Green was concerned that this would exclude 4-H projects. Commissioner Bliesner told Commissioner Green that the animal ordinance accommodated 4-H and that 4-H did not include breeding.

Commissioner Green read from section L. of the proposed ordinance, “Application to amend a home occupation license may be requested by following the application procedures in this chapter. A home occupation license may be suspended or revoked by the Planning Commission, after a public hearing, if requested by the property owner or if it is shown that one or more of the following conditions exist.” Commissioner Lawver agreed that this didn't make sense and thought it should be requested by a resident or adjacent property owner. The Planning & Zoning Commission decided to reword the section to read, “Application to amend a home occupation license may be requested by following the application procedures in this chapter.

A home occupation license may be suspended or revoked by the Planning Commission, after a public hearing, if it is shown that one of the following conditions exist.”

Commissioner Bliesner felt they should add another paragraph that would explain the procedure for revocation and spell out the process for a public hearing. Commissioner Davenport noted they could lift out the procedure that had been set out in the Sandy ordinance and place it in the Nibley ordinance. Commissioner Lawver felt they should direct Miss Phippen to but a detailed process of how a conditional use permit could be suspended or appealed, that they could review at the next meeting. Commissioner Anderson felt if they were going to revoke or suspend something then they needed to give all possible avenues for someone to defend themselves or due process.

Commissioner Davenport asked why page 2. D. had been deleted. Commissioner Bliesner said it was repetitious and directed Commissioner Davenport to the areas that it had already been addressed. Commissioner Davenport wanted to leave paragraph D. in. Commissioner Bliesner and Commissioner Davenport discussed that they liked the specificity of paragraph D. Commissioner Anderson said in government, if they were more ambiguous then they would have more latitude. If they were specific then they had less latitude.

Staff Reports

Mr. Zook updated the Planning & Zoning Commission on a training that would take place on July 10, 2014 that updated the Commissioners on new land laws and other planning and zoning matters.

Mr. Zook shared Heritage Days brochures with the Planning & Zoning Commission members and asked them to share them with their neighbors.

Mr. Zook said the City Council was in the process of updating the Master Road Plan specifically regarding the Malouf subdivision process. He updated the Planning & Zoning Commission on the changes that were being proposed to update the plan.

Mr. Zook updated the Planning & Zoning Commission on the public hearing that had taken place at the last City Council meeting.

Discussion of an ordinance regarding minor subdivisions in Nibley City

Mr. Zook left at 8:08.

Commissioner Anderson didn't like that Nibley was requiring homes to face the public right-of-way. Commissioner Bliesner asked if it would address Commissioner Anderson's concern if the access was what needed to face the public right-of-way. Commissioner Bliesner and Commissioner Anderson discussed this and lot accesses. Commissioner Bliesner and Commissioner Anderson felt this ordinance didn't solve any of their problems and Commissioner Anderson said it was because it was the exact same process as the subdivision ordinance; the only thing that was different was that when it went to City Council they didn't have to have a public hearing.

Commissioner Green noted a couple of grammatical errors on page 2.

Commissioner Anderson liked the verbage about anything that had been done in the last 2-5 years but thought he shouldn't have to go through the subdivision process to split a ten acre lot in half. Commissioner Anderson said he wanted to address a simple lot split that made lot splits almost as easy as a boundary line change. Commissioner Bliesner said the problem was what to do with a split of 1-2 lots.

Commissioner Bliesner asked the Planning & Zoning Commission members for the "temperature" of addressing a renewable energy ordinance. Commissioner Lawver said he would like to see something.

There was general consent to adjourn at 8:32.