



3/6/15

Hi all-

The vicious animal ordinance is not on this week's agenda because of the training. It will be back on the agenda for the meeting on the 25th. This week's agenda is as follows:

CONDITIONAL USE PERMIT/BUSINESS LICENSE

Jesus House Cleaning- discussion and consideration of a request for a home occupation cleaning business located at 110 W 2600 S #19 (Applicant: Dulce Maria Garcia)

- Our home occupation definition is:
 - The use of a portion of a dwelling as an office, studio, or workroom for occupations which are conducted in the home and are incidental to the primary use as a home or residence; provided additionally that: 1) individuals who perform occupation related activities at the home occupation residence must also live at that residence; 2) individuals who do not live at the home occupation residence must not report to that residence for occupation related activities; and 3) the occupation shall not use any accessory building, yard, or any space outside the main building not normally associated with residential use. Applications meeting these criteria may (as determined by the appropriate land use authority) be classified a home occupation rather than being classified by the actual activity associated with the business, with the following exceptions. Child daycare/preschool for more than eight (8) children shall be classified as a commercial daycare rather than a home occupation. In addition, activities involving the sale, service, leasing and/or rental of motor vehicles shall not be classified as a home occupation.
- If a business meets the definition above, then it may be licensed as a home occupation, without regard for the type of business actually being conducted, provided that the business is legal and not otherwise specifically prohibited by ordinance.
- Because this business meets the definition of home occupation, I recommend approving the business license with the following conditions:
 - No chemicals related to the business are to be stored at the house, beyond ordinary household cleansers.
 - She can have employees who don't live with there, but no employees can report to the home as part of the business.

Daron McCombs Handyman- discussion and consideration of a request for a home occupation handyman business located at 924 W 2450 S (Applicant: Daron McCombs)

- Our home occupation definition is:
 - The use of a portion of a dwelling as an office, studio, or workroom for occupations which are conducted in the home and are incidental to the primary use as a home or residence; provided

additionally that: 1) individuals who perform occupation related activities at the home occupation residence must also live at that residence; 2) individuals who do not live at the home occupation residence must not report to that residence for occupation related activities; and 3) the occupation shall not use any accessory building, yard, or any space outside the main building not normally associated with residential use. Applications meeting these criteria may (as determined by the appropriate land use authority) be classified a home occupation rather than being classified by the actual activity associated with the business, with the following exceptions. Child daycare/preschool for more than eight (8) children shall be classified as a commercial daycare rather than a home occupation. In addition, activities involving the sale, service, leasing and/or rental of motor vehicles shall not be classified as a home occupation.

- If a business meets the definition above, then it may be licensed as a home occupation, without regard for the type of business actually being conducted, provided that the business is legal and not otherwise specifically prohibited by ordinance.
- Because this business meets the definition of home occupation, I recommend approving the business license with the following conditions:
 - No equipment larger than what can be stored in a car can be stored in the public right of way or in the front setback of the house.

KENNEL LICENSE

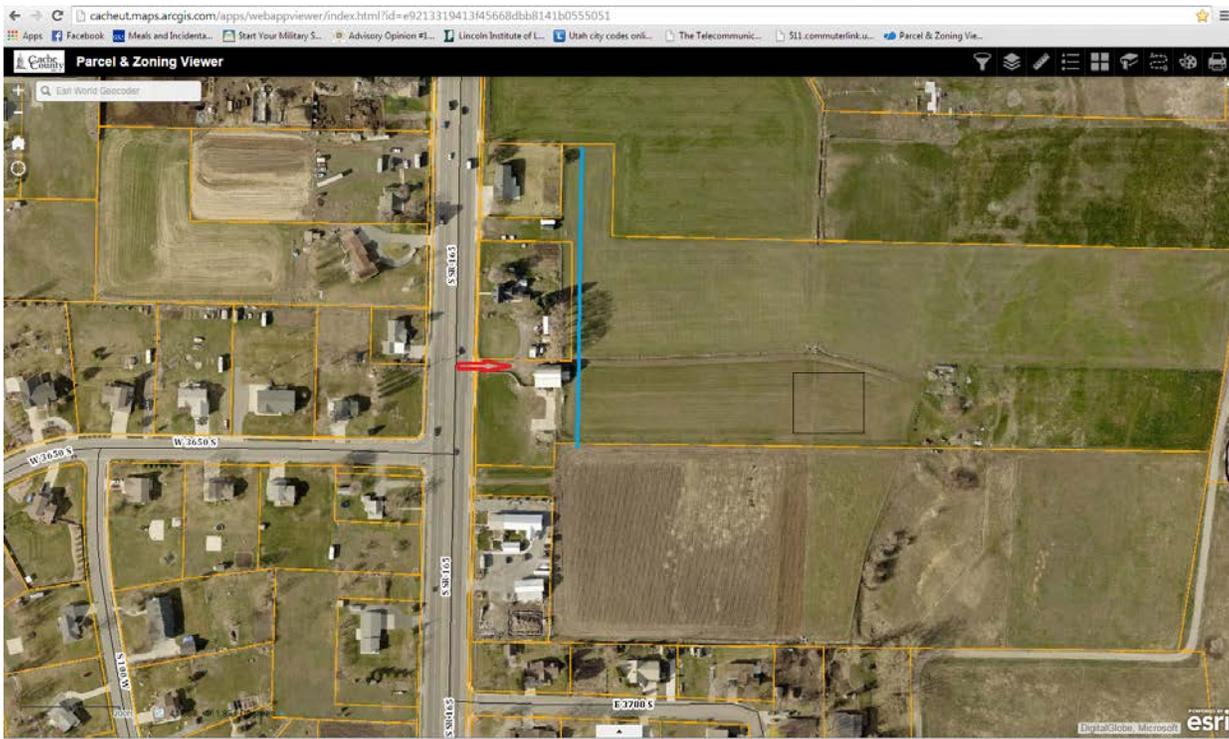
Discussion and consideration of a conditional use permit for a kennel license (3 dogs) located at 4030 S. Main (Applicant: Shannon Leach)

- Nibley City Code §10-17-5(A)(1), which covers animal land use regulations for lots greater than .75 acres, states:
 - “The maximum number of dogs per household is two (2) dogs, and a conditional use permit may be granted for a third dog”
- This lot is 2.68 acres, so it meets the size requirements for lots to have a third dog. There are no setback requirements for a kennel, so long as it is a temporary structure. I recommend approving the request for a kennel license.

BUILDING PERMIT

Discussion and consideration of a request for a building permit located at 3640 South Main (Applicant: Lance Leishman)

- Whenever there is a request to build a home outside of an approved subdivision, the applicant is required to receive approval of the Planning Commission for the building permit. This allows the Commission to review setbacks, utility lines, etc.
- This lot is a large lot out on the highway, shown in the picture below:



- The red arrow is the access to the home- it is 25' wide. It is an approved UDOT access, so no additional access is needed to build this home.
 - The building shown just to the east of the red arrow is a barn, not a home.
 - Presently, the access has a minimum amount of gravel but is mostly dirt back to the home. One of my suggested conditions of approval will be that they are required to pave the first 50' off of Highway 165, with a minimum 6' gravel base and a minimum 20' asphalt, with 3' on one side for stormwater runoff.

- The blue line is the approximate location of the City sewer main. The Leishmans will be required to pay all costs associated with hooking on to the City utilities.
 - There was an initial question about whether or not they would be exempted from hooking on to the sewer, given the distance from the proposed home site to the sewer line.
 - City Code §8-2-2(D) states::
 - The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the city and abutting on any street, alley, easement or right of way in which there is now located or may in the future be located a public sanitary sewer of the city, or within three hundred feet (300') of the system, is hereby required, at the owner's expense, to install suitable sewer facilities therein, and to connect such facilities directly with the public sewer in accordance with the provisions of this chapter, within one hundred eighty (180) days after date of official notice to do so; provided, that said sewer is within three hundred feet (300') of the owner's property line. An exception to this policy may be granted by the city council in extraordinary cases only.
 - Because this property is located within 300' of a sewer line, despite the location of the house, they are required to hook on to the sewer.

- The black box is the location where they are proposing to build their home.

- As you can see, the property is big enough that minimum lot size isn't an issue.
- The City doesn't regulate the design of homes, that's why there are no home plans for you to review, only the placement on the lot. Front and rear setbacks aren't an issue, given the size of the lot. Only the side setback is an issue and is a minimum of 10' from the south property line of the lot.
- I recommend approving the request for a building permit for Lance Leishman, at 3640 South Main, with the following condition:
 - The home must be set back at least 10' from the south property line
 - The home must hook up to the Nibley City sanitary sewer system and the City culinary water. All costs associated with connection are to be borne by the homeowner.
 - The first 50' of the access, running east from Highway 165, is to be paved, with a minimum 20' asphalt, 3' on one side for stormwater runoff, and a minimum 6' gravel base under the asphalt.

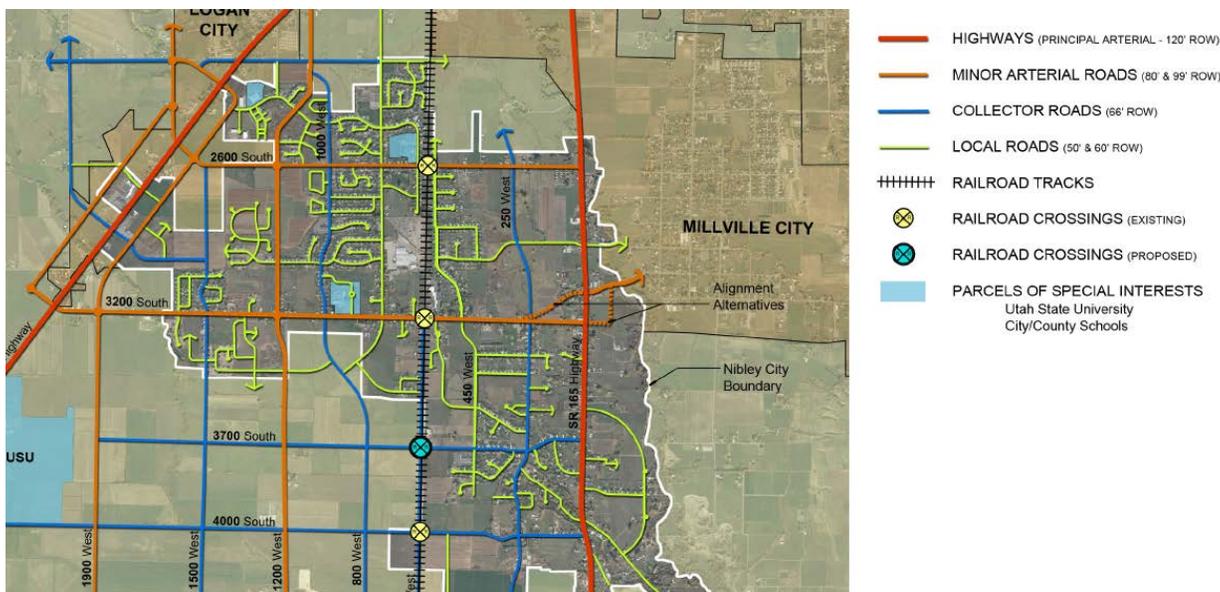
PUBLIC HEARING

A public hearing to receive comment concerning the Payne Landing Subdivision, a proposed lot split located at 251 W 2600 S (Applicant: Matthew Payne)

- Whenever a public hearing is held, there are certain notification requirements, which are:
 - Post on the City website 10 days prior to the public hearing
 - Notification of the neighbors whose properties are located within 300' of the proposed subdivision 10 days prior to the public hearing
 - Publication of a notice in the legal notices section of the newspaper 10 days prior to the public hearing
 - Posting on the Utah Public Meeting Notice website 10 days prior to the public hearing.
- The notifications were all properly done within the ten (10) day requirement- they were sent out the afternoon of Thursday the 26th of February. However, it was brought to my attention this afternoon that the notice on the PMN website was not showing up. I looked through and cannot figure out what happened. After I had posted the notice on the PMN website, I logged out so that I could verify that it was there and I saw that it was. I truly don't know what happened past that point.
- There are two different options the Commission has:
 - The Commission may choose to proceed with the public hearing.
 - I called and discussed with our attorney whether or not the public hearing can still be held, in light of the fact that we can't verify the posting occurred, beyond my memory. He stated that it can still be held, since all other required postings were made. The requirement is that the notice be published. It is not a requirement of the City to check every day to make sure it is still there. There are certain things that, once sent, are out of the City's hands. He is comfortable with the City proceeding with the public hearing.
 - If the Commission does not feel that the noticing has been sufficient, then the Commission may vote to delay the public hearing and it would be rescheduled for the 25th of March.
 - I am comfortable with either option.

Discussion and consideration of the Payne Landing Subdivision, a lot split located at 251 W 2600 S.

- If the Commission chooses to proceed with the public hearing, these are my comments on the request.
- Typically, a subdivision goes through both a preliminary and final approval, and those are handled in separate meetings. However, the approach the City has taken with lot splits is that both can be handled in one meeting and so this is before you to receive preliminary and final approval.
- Our engineer has reviewed this subdivision and, with one exception, finds that it meets our ordinance.
 - The only item of concern is the road dedication. The plat proposes to dedicate 16.5' of road along 2600 South to the City. This would be the correct amount of road dedication, if the long term plan for 2600 South was a 66' right of way. However, as you can see on this map from our Transportation Master Plan, 2600 South is intended to be a minor arterial, which requires a r-o-w of 80' or 99'.



- The Cache County Parcel Viewer shows that the current r-o-w along this portion of 2600 South is 70'. With the dedication on the existing lot and the proposed r-o-w dedication on this lot, the total r-o-w for these two parcels would be 86.5'.
- It may be that additional r-o-w dedication is needed. I've discussed this with Justin M., our Public Works Director. At this point, he and I are not sure whether or not that r-o-w dedication will be needed. We need to review this a bit more with our City Engineer next week. If I'm able to make that happen before the meeting, I will let you all know with updated comments as soon as I can.
- Proposed lot sizes: Lot 1: .53 acre Lot 2: .67 acre
 - Required minimum lot size: .5 acres
- Proposed frontage: Lot 1: 110' Lot 2: 140'
 - Required minimum frontage: 100'
- Setback lines shown: 30'- front 10'- sides 25'- rear
 - Required setbacks: 30' front 10'- sides 25'- rear
- Proposal for stormwater: will be handled by a swale system, similar to the rest of 2600 South, east of the UPRR tracks.

- Flood plain noted on the plat: this property is not within the boundaries of a FEMA designated flood area, so no flood plain notation is needed.
- All utilities are shown on the plat, as per ordinance
- My recommendation is to forward this lot split to the City Council with a recommendation for approval, with one condition:
 - The issue of r-o-w dedication is to be worked out with staff prior to the City Council reviewing the plat.

Discussion and consideration of an updated meeting schedule for 2015.

- This updated schedule has the meeting changes we discussed at the last meeting, specifically:
 - April 8th and 22nd meetings have been pushed back one week each and will be held on April 15th and April 29th.
 - The meeting scheduled for November 11th (Veterans Day) has been pushed back a week to November 18th.
 - All other meeting dates have stayed the same.

Adjourn for land use training workshop with Elliot Lawrence of the Utah Property Rights Ombudsman's Office.

- Because there will be a variety of representatives from other cities in the audience and in order to facilitate more of a discussion environment for the training, I recommend adjourning the meeting and having the Commission sit in the audience. This training is going to be open for all to participate. I believe there will be about 25-30 people attending.

Thanks for your patience with me. See you Wednesday!

Shari