

The Meeting of the Nibley Planning Commission held at Nibley City Hall, 455 W. 3200 S. Nibley, Utah, on Wednesday, May 27, 2015.

The following actions were made during the meeting:

Commissioner Bernhardt motioned to approve the conditional use permit and business license for Western States Safety Solutions located at 1180 West 2550 South; applicant Jared Jeppsen. Commissioner Green seconded the motion. The motion passed unanimously 3-0; with Commissioner Bernhardt, Commissioner Green, and Commissioner Bliesner all in favor.

Commissioner Green motioned to approve the conditional use permit and business license for Kettle Korn of Cache Valley located at 1410 Sunset Circle; applicant Jeremy & Allison Devey, with the condition that all business related vehicles be stored behind the front plan of the house. Commissioner Bernhardt seconded the motion. The motion passed unanimously 3-0; with Commissioner Green, Commissioner Bernhardt and Commissioner Bliesner all in favor.

Commissioner Bernhardt motioned to approve the conditional use permit and business license Bargain Cache (BBQ sauce sales) located at 1035 West 2470 South; applicant Scott Webb, with the condition the business trailer be parked behind the front plane of the home. Commissioner Green seconded the motion. The motion passed unanimously 3-0; with Commissioner Bernhardt, Commissioner Green, and Commissioner Bliesner all in favor.

Commissioner Green motioned to approve the building permit for an accessory building permit to construct a 75' x 40' accessory building located at 3144 South 800 West; applicant, Joey Gilsdorf. Commissioner Bernhardt seconded the motion. The motion passed unanimously 3-0; with Commissioner Green, Commissioner Bernhardt, and Commissioner Bliesner all in favor.

Commissioner Bernhardt motioned to recommend the ordinance regulating telecommunication towers in Nibley City to City Council with the condition that page 3, item, J read "Telecommunications Facility—An unmanned commercial structure, which consists of antennas, antenna support structures, telecommunications equipment, equipment enclosures as defined herein, that transmits and/or receives voice and/or data communications through radio signals such as, but not limited to "cellular' or "PCS" (Personal Communications System) communications and paging systems." Commissioner Green seconded the motion. The motion passed unanimously 3-0; with Commissioner Bernhardt, Commissioner Green, and Commissioner Bliesner all in favor.

Acting Planning and Zoning Commission Chair Aaron Bliesner called the Wednesday, May 27, 2015 Nibley City Planning Commission meeting to order at 5:35 p.m. Those in attendance included Commissioner Aaron Bliesner, Commissioner Thomas Bernhardt, and Commissioner Bill Green. Shari Phippen, the City Planner, was also present.

Approval of 05-13-15 meeting minutes and the evening's agenda

General consent was given for the previous meeting's minutes.

General consent was given for the evening's agenda.

Conditional use permit/ Business License

Western States Safety Solutions—discussion and consideration of a conditional use permit for a home occupation (fire alarm sales) located at 1180 W 2550 S (Applicant: Jared Jeppsen)

Mr. Jared Jepson was present at the meeting.

Miss Phippen said this was a conditional use permit and home occupation request for home alarm sales. She said none of the sales would be done from home. It would all be done on the road. Miss Phippen said all business inventory would be stored in the home and she assumed some in the garage or business vehicle.

Miss Phippen said this business met the definition of a home occupation per Nibley City ordinance and she recommended approval of the conditional use permit and business license. Miss Phippen noted that if the applicant were to want to start door-to-door sales then he would be required to submit a certified background check to the city; this was required of anyone who did door-to-door sales in Nibley.

Commissioner Bernhardt made a motion to approve the conditional use permit and business license for Western States Safety Solutions located at 1180 West 2550 South; applicant Jared Jeppsen. Commissioner Green seconded the motion. The motion passed unanimously 3-0; with Commissioner Bernhardt, Commissioner Green, and Commissioner Bliesner all in favor.

Kettle Korn of Cache Valley—discussion and consideration of a conditional use permit for a home occupation (kettle corn sales) located at 1410 Sunset Circle (Applicant: Jeremy & Allison Devey)

The applicant, Jeremy Devey, was present at the meeting.

Miss Phippen said this was similar to the previous home occupation. She said this application stated they wouldn't employ people living outside the home and wouldn't be conducting the business from an accessory building.

Miss Phippen said this request met the definition of a home occupation business and she recommended the application be approved with the condition that the applicant's trailer be parked behind the front plane of the home.

Commissioner Green made a motion to approve the conditional use permit and business license for Kettle Korn of Cache Valley located at 1410 Sunset Circle; applicant Jeremy & Allison Deyve, with the condition that all business related vehicles be stored behind the front plan of the house. Commissioner Bernhardt seconded the motion. The motion passed unanimously 3-0; with Commissioner Green, Commissioner Bernhardt and Commissioner Bliesner all in favor.

Bargain Cache—discussion and consideration of a conditional use permit for a home occupation (BBQ sauce sales) located at 1035 W 2470 S (Applicant: Scott Webb)

The applicant, Scott Webb, was not present at the meeting.

Commissioner Bliesner asked if Miss Phippen felt this consideration could move forward without the applicant present. Miss Phippen said she did; the application was almost identical to the previous application. Miss Phippen said there would be no outside employees, the business wouldn't be conducted out of an accessory building, and the only signage would be on a vehicle or car which was allowed. Miss Phippen said the applicant did have a trailer and she suggested the same conditions be place on the conditional use permit regarding where the trailer could be parked.

Commissioner Bernhardt made a motion to approve the conditional use permit and business license Bargain Cache (BBQ sauce sales) located at 1035 West 2470 South; applicant Scott Webb, with the condition the business trailer be parked behind the front plane of the home. Commissioner Green seconded the motion. The motion passed unanimously 3-0; with Commissioner Bernhardt, Commissioner Green, and Commissioner Bliesner all in favor.

ACCESSORY BUILDING PERMIT

Discussion and consideration of an application for a building permit to construct a 75' x 40' accessory building located at 3144 South 800 West (Applicant: Joey Gilsdorf)

Miss Phippen described the applicant's property and the size and setback requirements for an accessory building on this size property. She said Mr. Gilsdorf's request was within the size limit of the ordinance.

Miss Phippen described an interesting situation which had come up during her review of the application. She said there was a conflict in our ordinance on the maximum height of accessory buildings. 10-11-1 limits accessory buildings in an R-2 zone to 20' height while 10-12-6 based the height limit on property size and Mr. Gilsdorf's property falls in both categories. Miss Phippen said she had asked the city attorney what prevailed when there was a conflict. She said the city attorney had advised her to follow the most recently passed ordinance so the applicant's

building was in ordinance because the most recently passed ordinance limited the applicant to 30 feet.

Miss Phippen said Mr. Gilsdorf's property didn't have a utility easements around it, so no increased setback was necessary in this situation. Miss Phippen said she recommended Mr Gilsdorf's accessory building permit be approved.

Commissioner Green made a motion to approve the building permit for an accessory building permit to construct a 75' x 40' accessory building located at 3144 South 800 West; applicant, Joey Gilsdorf. Commissioner Bernhardt seconded the motion. The motion passed unanimously 3-0; with Commissioner Green, Commissioner Bernhardt, and Commissioner Bliesner all in favor.

Public Hearing

A public hearing to receive comment concerning a proposed ordinance regulating telecommunication towers in Nibley City.

Miss Phippen said a concern had been brought up that there were no regulations concerning telecommunication or cell towers in Nibley City. She said they needed a framework to govern the conditional use of cell towers. Miss Phippen said Federal regulations prohibited them from outright banning cell towers so the ordinance was being proposed to set out guidelines and regulations under which cell towers could possibly be brought in to Nibley City. Miss Phippen discussed stealth design and felt it should be required by Nibley City. Miss Phippen highlighted some of the requirements outlined in the ordinance; these topics included stealth design, facility fencing (page 10), and landscaping (page 10). Miss Phippen discussed the issues she felt were the primary concern regarding cell towers; that they were an eyesore, having them right up against residential owned property, and security features. Miss Phippen felt this ordinance satisfied those concerns.

Miss Phippen discussed the concerns that these type of towers would interfere with amateur radio operators. She relayed the information she had received from the city attorney to the Planning and Zoning Commission.

Commissioner Bliesner opened the public hearing at 5:58.

Seeing no public comment, Commissioner Bliesner closed the public hearing at 5:58.

Discussion and consideration of a proposed ordinance regulating telecommunication towers in Nibley City.

Commissioner Green asked about landscaping and fencing on page 10, section G. Miss Phippen said there was a requirement that the property immediately surrounding a tower needed to be fenced. Commissioner Bernhardt noted that the tower, if it were to fall, would need to fall within the fence. Miss Phippen said the requirement was that for every foot of tower height there was a foot of set back.

Commissioner Green referred to section 10-22-6 and asked who would be required to take a tower down should a company go bankrupt. Miss Phippen said the owner of the tower would be required to take down an unmaintained property.

Commissioner Bliesner and Miss Phippen discussed provision protecting the rights of amateur radio operators. Commissioner Bliesner said he didn't understand how the FCC regulated those things. He said also said he had an antenna that received radio transmissions for TV on his house. He said he understood that HAM radio operators were prohibited from using commercially. Miss Phippen said she felt the issue could be resolved with minor editing and suggested editing the wording to the definition of "telecommunication facility" on page 3.

"Telecommunications Facility—An unmanned commercial structure, which consists of antennas, antenna support structures, telecommunications equipment, equipment enclosures as defined herein, that transmits and/or receives voice and/or data communications through radio signals such as, but not limited to "cellular" or "PCS" (Personal Communications System) communications and paging systems."

Commissioner Bernhardt said he liked the proposed change and Miss Phippen said that solved any perceived problem in her mind.

Commissioner Bernhardt made a motion to recommend the ordinance regulating telecommunication towers in Nibley City to City Council for review and final approval with the condition that page 3, item, J read "Telecommunications Facility—An unmanned commercial structure, which consists of antennas, antenna support structures, telecommunications equipment, equipment enclosures as defined herein, that transmits and/or receives voice and/or data communications through radio signals such as, but not limited to "cellular" or "PCS" (Personal Communications System) communications and paging systems." Commissioner Green seconded the motion.

After further suggestion and discussion, Commissioner Bernhardt restated the motion for clarification.

The motion passed unanimously 3-0; with Commissioner Bernhardt, Commissioner Green, and Commissioner Bliesner all in favor.

Public Hearing

A public hearing to receive comment concerning a proposed ordinance regulating vicious animals in Nibley City.

Miss Phippen said this ordinance stemmed from a concern that Nibley needs to have provisions in place should they have an animal attack another animal and giving animal control something to fall back on. She said cities and counties used to enact breed specific legislation, however, Utah's 2014 legislative session passed legislation that prohibited cities from enacting breed specific legislation. Miss Phippen said the city can have a broad definition of what was a wild or dangerous animal. She said they could make general regulations but they couldn't be tied to a specific breed. She also said they couldn't preemptively make any requirements; there had to be an incident and animal control had to be sited before any additional fencing, signage, kennel or enclosure requirements could take effect. Miss Phippen said this ordinance was modeled off of South Jordan's legislation. Miss Phippen said the ordinance defined what was considered a wild animal and clarified licensing requirements.

Miss Phippen said she had sent the proposed ordinance to the animal control officer with the Cache County Sheriff's Office who had reviewed it with his supervisors. She said they didn't have any concerns or questions with the ordinance. Miss Phippen said the proposed ordinance had also been sent to the prosecutor for his review and comment but she hadn't received his comments at this time.

Commissioner Bliesner opened the public hearing at 6:20.

Seeing no public comment, Commissioner Bliesner closed the public hearing at 6:21.

Discussion and consideration of a proposed ordinance regulating vicious animals in Nibley City.

Commissioner Bernhardt discussed only licensing dogs and asked if it had ever been discussed whether the city should license cats. He noted that cats that seemed to run free in his neighborhood. He and Commissioner Bliesner discussed the difficulty licensing cats would mean and that cats didn't seem to pose a threat to property or seem a dangerous animal.

Commissioner Green asked about page 1, "Bite". He felt a dog that attacked a person but only tore through clothes should also be considered a bite. Miss Phippen read from the proposed ordinance on the last page about dogs attacking and said she felt that situation was covered.

Commissioner Green asked about page 3, "sub-human primates".

Commissioner Green asked about page 3, "created the position of animal control officer". Miss Phippen said they weren't proposing a Nibley City employee fill or be hired for this position. She said they had to say that there was an animal control officer within Nibley City's structure.

Commissioner Green asked about page 5, "License Tag". Miss Phippen addressed his question.

Commissioner Bliesner asked Miss Phippen to look into the requirement to allow individuals to own vicious animals. Miss Phippen said she understood they were required to allow vicious animals until a judge determined and ordered that an animal be put down. Miss Phippen said she would ask the prosecutor if they could just require the removal of an animal if it has gone through the proper process and is designated as dangerous.

Commissioner Bliesner had a question about the change regarding dog tags and licensing. He asked if the tags didn't expire if someone could move that tag to another dog. Miss Phippen said the tags were tied and tracked by a specific breed. She said the tags did expire because they were only valid with the term of the rabies vaccination. Miss Phippen said they kept sufficient information of which dog went with what tag but said there was also no way to circumvent all possible violations.

Commissioner Bliesner thought there should be a definition for "Attack" included in the ordinance. Commissioner Bernhardt said he agreed.

Commissioner Bliesner asked Miss Phippen to make the changes the Planning and Zoning Commission had asked for and bring the document back to the Commission. Miss Phippen said she would do that and included any comments made by the prosecutor.

Commissioner Bernhardt asked for an update on a new Planning and Zoning Commissioner. Miss Phippen said that was in the Mayor's hands.

Commissioner Bliesner asked if there were any questions from the public. Mr. Devey asked for the next step in his business license process. Miss Phippen gave him direction.

There was general consent to adjourn at 6:39.

Attest: _____
Deputy City Recorder