

The Meeting of the Nibley Planning and Zoning Commission held at Nibley City Hall, 455 West 3200 South, Nibley, Utah on Wednesday, December 14, 2016.

The following actions were made during the meeting:

**Commissioner Bliesner motioned to approve the conditional use permit and business license for From the Wood Grain, located at 915 Garden Circle, Nibley, UT; applicant, Kristina Allen. Commissioner Swenson seconded the motion. The motion passed unanimously 5-0; with Commissioner Bliesner, Commissioner Swenson, Commissioner Davenport, Commissioner Albrect, and Commissioner Johnson all in favor.**

**Commissioner Swenson motioned to approve the business license and conditional use permit for a home office for Rocky Mountain Surgical Sales, located at 915 West 2930 South, Nibley, UT; applicant, Wayne Kirk. Commissioner Johnson seconded the motion. The motion passed unanimously 5-0; with Commissioner Swenson, Commissioner Johnson, Commissioner Albrect, Commissioner Davenport, and Commissioner Green all in favor.**

**Commissioner Swenson made a motion to approve the conditional use permit and business license for Corinne Bradshaw Hair, a home occupation located at 2916 Stonebridge Drive, Nibley, UT; applicant, Corinne Bradshaw. Commissioner Green seconded the motion. The motion passed unanimously 5-0; with Commissioner Swenson, Commissioner Green, Commissioner Davenport, Commissioner Albrect, and Commissioner Johnson all in favor.**

**Commissioner Green motioned to recommend approval of a proposed amendment to the Transportation Master Plan. Commissioner Albrect seconded the motion. The motion passed 3-1; with Commissioner Green, Commissioner Albrect, and Commissioner Davenport in favor. Commissioner Swenson abstained from voting on the issue.**

**Commissioner Swenson motioned to recommend approval of the proposed change to the Nibley City subdivision-street ordinance. Commissioner Albrect seconded the motion. The motion passed unanimously 4-0; with Commissioner Swenson, Commissioner Albrect, Commissioner Green, and Commissioner Davenport all in favor.**

**Commissioner Swenson motioned to recommend approval of the final plat for The Cottonwoods at Hollow Rd, a 17-lot conservation residential subdivision located at approximately 4030 Hollow Road, applicant, Jim Johnson. Commissioner Green seconded the motion. The motion passed unanimously 4-0; with Commissioner Swenson, Commissioner Green, Commissioner Davenport, and Commissioner Albrect all in favor.**

**General consent was given by the Planning and Zoning Commission to approve Resolution 16-P1: A Resolution designating the Nibley City Planner as the land use authority for accessory building permits.**

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Planning and Zoning Commission Co-Chair Dave Davenport called the Wednesday, December 14, 2016 Planning and Zoning Commission meeting to order at 5:31. Those in attendance included Commissioner Dave Davenport, Commissioner Bret Swenson, Commissioner Carol Albrect, and Commissioner Jim Johnson. Alternate Commissioner Aaron Bliesner was present and acting in a voting capacity because of the absence of Commissioner Green. Mr. Stephen Nelson, Nibley City Planner, was also present.

**Approval of 11-16-16 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 minutes. All Commissioners were in favor of approving the previous meeting minutes.

**A public hearing to receive comment regarding a preliminary plat for the Heritage Parkway subdivision, located at approximately 1200 West and 2700 South**

Commissioner Davenport noted that this item was canceled due to deficiency of public notice on the property.

**Conditional Use Permit/ Business License**

**From the Wood Grain—discussion and consideration of a conditional use permit and business license for a home occupation (Applicant: Kristina Allen)**

The applicant, Kristina Allen was present at the meeting.

Mr. Nelson described the application for a business license and conditional use permit for candle making and simple woodworking. He said there would be no one employed by the business that lived outside of the home and no part of the business would be run out of an accessory building, and there would be 0-5 client visits to the home per week and about 20 deliveries to the home per month. Mr. Nelson said there was no signage proposed for the property. Mr. Nelson gave the home occupation definition from Nibley City code.

*“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.”*

Mr. Nelson said the business met the definition and may be granted a conditional use permit. He said business was located in the R-2A zone and that the Nibley City Land Use Chart allowed for home occupations as a conditional use in the R-2A zone. Mr. Nelson said staff’s recommendation was approval of the conditional use permit so that the applicant can be granted a home business license.

Ms. Allen thanked the Planning and Zoning Commission.

Commissioner Bliesner made a motion to approve the conditional use permit and business license for From the Wood Grain, located at 2349 South 670 West, Nibley, UT; applicant, Kristina Allen. Commissioner Swenson seconded the motion. The motion passed unanimously 5-0; with Commissioner Bliesner, Commissioner Swenson, Commissioner Davenport, Commissioner Albrect, and Commissioner Johnson all in favor.

Commissioner Green arrived at 5:38. Commissioner Bliesner was no longer a voting member of the Commission and reverted to alternate status.

**Rocky Mountain Surgical Sales—discussion and consideration of a conditional use permit and business license for a home office (Applicant: Wayne Kirk)**

Mr. Wayne Kirk was not present at the meeting.

Mr. Nelson described Wayne Kirk’s application is for a business license and permit for a home office for medical sales. He said according to the application, there would be no one employed in the business that does not live at the home and no part of the business would take place in an accessory building. He also said there would be no client visits, 2-4 deliveries per month and there will be no signage posted on the property.

Mr. Nelson read the Nibley City Home Office definition:

*“The use of a portion of a dwelling as an office for a business where: 1) no client visits are conducted and 2) no persons not living in the home are employed by the business. Home-based businesses that do not meet these requirements may still be conducted but shall be classified as a home occupation rather than a home office.”*

Mr. Nelson said that if a business met the definition of a home office then it might be licensed as a home office. Mr. Nelson said the property on the application was zoned Residential R-2 and that the Nibley City Land Use Chart allows for a home office as a permitted use. Mr. Nelson stated that Wayne Kirk application meets the requirements to be classified and approved as a home office and recommended the Planning and Zoning Commission approve the conditional use permit.

Commissioner Swenson made a motion to approve the business license and conditional use permit for a home office for Rocky Mountain Surgical Sales, located at 915 Garden Circle, Nibley, UT; applicant, Wayne Kirk. Commissioner Johnson seconded the motion. The motion passed unanimously 5-0; with Commissioner Swenson, Commissioner Johnson, Commissioner Albrect, Commissioner Davenport, and Commissioner Green all in favor.

**Corinne Bradshaw Hair—discussion and consideration of a conditional use permit and business license for a home occupation (Applicant: Corinne Bradshaw)**

Corrinne Bradshaw was present at the meeting.

Mr. Nelson said Ms. Bradshaw's application was for a business license and conditional use permit for a home occupation for a home hair salon. He noted that according to the application, there would be no one employed at the business that didn't live at the home and that no part of the business would take place in an accessory building. Mr. Nelson said there would be 2-3 client visits to the home per week and no expected deliveries to the home. Mr. Nelson reminded the Planning and Zoning Commission of the Nibley City Home Occupation definition he had previously quoted.

Mr. Nelson said Ms. Bradshaw's application met all the condition to be classified as a home occupation.

Commissioner Albrect questioned the number of client visits that were presented on the applicant. Ms. Bradshaw said that this was how she liked it and said there may be more clients visits once her children were all in school. Commissioner Green questioned clients parking and the applicant stated that she had recently poured an extra parking pad in her driveway.

Commissioner Swenson made a motion to approve the conditional use permit and business license for Corinne Bradshaw Hair, a home occupation located at 2916 Stonebridge Drive, Nibley, UT; applicant, Corinne Bradshaw. Commissioner Green seconded the motion. The motion passed unanimously 5-0; with Commissioner Swenson, Commissioner Green, Commissioner Davenport, Commissioner Albrect, and Commissioner Johnson all in favor.

## **A public hearing to receive comment regarding a proposed amendment to the Nibley City Transportation Master Plan**

Commissioner Davenport read the rules of the public comment period and gave direction to the public present.

Commissioner Davenport opened the public hearing at 5:46 p.m.

Commissioner Swenson disclosed that this issue might directly affect his parent's property, Mike and Darien Swensen, who were present at the meeting.

Commissioner Johnson stepped down from the Planning and Zoning Commission dais and sat in the audience and stated that this public hearing had to do with a Transportation Master Plan amendment that would go through a property with which he had interest.

Gary Murray asked for a description of the change being proposed to the Transportation Master Plan.

Mr. Nelson displayed the current Transportation Master Plan. He said the main change was regarding the connection between 250 West and Hollow Road. He described the proposed development of the Cottonwoods subdivision. Mr. Nelson said the current master road plan alignment ran directly through a FEMA flood zone and because of the natural landscape of the area the road presented some environmental issues may need to be mitigated or permitted. He said if the road were to develop as was there would be a portion that would have to be developed by a future developer or be constructed by the City which would require the city to purchase the land and deal with the flood zone issue to deal with construction of the road. He also described that the current road proposal was shown going through an existing house east of the proposed subdivision but it was possible the road could be curved..

Mr. Nelson showed the Transportation Plan that was being proposed. He said the current Cottonwood subdivision proposal would construct and dedicate a 60-foot right-of-way to the City for the majority of the new proposed road plan and described the layout of the proposed road change. He said he believed that in order to make the Cottonwoods subdivision work the Transportation Master plan would need to be changed.

Mr. Nelson said it was important to note that because of City Code 11-5-5-E limits the length of a cul-de-sac to 1/8 mile and this change could have impact on the ability of property to the Northeast of the proposed Cottonwood Subdivision to be developed.

Mr. David Nelson of Hollow Road said the plan being shown extended into his property and right along side his home. He said he believed the intent from a previous meeting was to connect the Cottonwood Subdivision to the Brookfield

Subdivision. He said if the road went there it would take a good portion of his property. He didn't understand why the road needed to go further south. He said the preliminary plan accomplished connecting the two neighborhoods and didn't see the purpose of moving the road South.

Commissioner Davenport asked Mr. Nelson to display the GPS parcel viewer.

Mr. Nelson described that the drawing appeared to be a miscalculation on the City Engineer's part. He said the road would end in a cul-de-sac before Mr. Nelson's property and would not affect Mr. Nelson's property.

Mr. Nelson read a letter received from Mike and Darien Swenson into the record. (A copy of the letter has been attached to the written minutes of this meeting)

Mr. Gary Murray of Hollow Road described properties that the road would go through under the current Transportation Master Plan. He stated he was in favor of changing the Transportation Master Road Plan.

Seeing no further public comment, Commissioner Davenport closed the public hearing at 6:06 p.m.

Commissioner Davenport addressed the questions presented in the Swenson's letter. Commissioner Davenport said if the new plan were approved there wouldn't be a cul-de-sac and at some point, if the property were to be developed, the road would go through and tie into 3850 South and go through the Swenson's property. Commissioner Davenport said the current policy was that the city didn't pay to pave roads if the road were to go thorough the Swenson's property it would be up to whoever owned the property to pay for the cost for the road to be paved. He said he felt the city would not pave the road and they would not take their land. Commissioner Johnson, Commissioner Davenport, and Commissioner Bliesner discussed that there was no history of Nibley City taking property for its use. Commissioner Bliesner said he had only witnessed a couple of negotiated purchases for minor parcels of land that would resolve alignment issues. Commissioner Bliesner said he was not aware of a single instance in Nibley City history where eminent domain was exercised.

### **Discussion and consideration of a proposed amendment to the Nibley City Transportation Master Plan**

Commissioner Davenport and Commissioner Bliesner discussed the issue of whether he would vote. Commissioner Davenport said it was his opinion that Commissioner Bliesner would not vote because there were five Planning and Zoning Commissioners present.

Commissioner Johnson stated that he recused himself from voting on this issue.

Commissioner Swenson said he understood that it was City policy to not vote on an issue the same night as a public hearing. Commissioner Davenport said he didn't see this as a contentious issue and summarized the public feeling that had been expressed during the public hearing.

Commissioner Swenson stated that he would abstain from voting.

Commissioner Green made a motion to recommend approval of the proposed amendment to the Transportation Master Plan. Commissioner Albrect seconded the motion.

Commissioner Albrect asked clarifying questions of properties that would be affected by each road option. She also discussed the flood plain area and described that there may be developed houses in the flood plain. Commissioner Davenport agree that this was a possibility.

Commissioner Bliesner stated that Nibley City was being hyper-technical in taking this item onto the agenda in the first place. He said master road plans weren't supposed to be taken literally and as long as the intent was accomplished there could be latitude in interpretation. Commissioner Bliesner said this was the general classification and characteristic of a master road plan commonly accepted in the profession. He said the whole process was unnecessary and didn't understand why the issue got so much traction. Commissioner Bliesner discussed the flood plain. He said if building in the flood plain was prohibited then a bridge couldn't be built across a river. He didn't think the flood plain was much of an issue. He said he was interested to know what the engineer's technical summary of the interaction with the flood plain was. Commissioner Bliesner said that any of the changes in the proposal were fine.

Commissioner Swenson asked Commissioner Johnson if he knew of approximately how many more homes could be built in the area to the north of the Cottonwoods subdivision with only one access to Hollow Road. Mr. Nelson said National fire code allowed for 30 homes off of one access. He said the Cottonwoods had 17 homes and if they were develop the area and go over 30 homes they would have to provide a second outlet. He didn't think they would get up to 30 homes

The motion passed 3-1; with Commissioner Green, Commissioner Albrect, and Commissioner Davenport all in favor. Commissioner Swenson abstained from voting on the issue.

**A public hearing to receive comment concerning a proposed change to the Nibley City subdivision-street ordinance**

Commissioner Davenport opened the public hearing at 6:25 p.m.

Commissioner Davenport said that sometime during the Cottonwood subdivision process it was noted that there was no provision for swales in the subdivision street ordinance. He said this would provide that provision in ordinance.

Mr. Nelson said the changes that were being proposed would allow the option of low impact development (LID) options for stormwater detention and mitigation. One of the most common forms of LID are swales. Instead of a traditional detention curb and gutter and basin, which gather and concentrate stormwater from across a given area, swales allowed for the detention of stormwater over a much larger area. LIDs are now being encouraged by state and federal agencies as a better way to manage stormwater. Mr. Nelson said another benefits of swales were the preservation or creation a rural atmosphere in a subdivision. Mr. Nelson described that the proposed addition was written give Nibley City's Public Works Director and Engineer the ability to evaluate each circumstance to ensure that it is feasible in a given subdivision. Mr. Nelson said that the final approval of the Cottonwoods Subdivision is contingent on this change to Nibley City code.

Mr. Nelson read the wording that was proposed:

*"4. Alternate curb, gutter and street cross sections may be proposed as part of Low Impact Development (LID) practices. Proposed alternates shall include design drawings and engineering calculations showing the effectiveness of proposed LID technique. Proposed alternates shall be reviewed and approved by the City Engineer and Public Works Director."*

Mr. Nelson described why the EPA was encouraging the use of swales. Mr. Nelson said this proposed amendment had been reviewed by Nibley Engineer, Pubic Works Director, Attorney, himself, and Mayor Dustin and all had recommended approval of the amendment to City Council.

Seeing no public comment. Commissioner Davenport closed the public hearing at 6:30 p.m.

Commissioner Johnson stated that he was recusing himself from voting on this issue.

Commissioner Bliesner asked if there was a printed cross-section. Mr. Nelson said there were some cross-section in Nibley's code but believed the cross sections should be included in Nibley's design standards. Commissioner Bliesner asked if they were currently present in the design standards document. Mr. Nelson said they were. He described a ribbon curb that would hold the asphalt in place that would tilt into the swale and protect the edge of asphalt. Commissioner Bliesner said the swales weren't particularly effective if they weren't vegetated. He said in order to work there needed to be a requirement for landscape and maintenance. Mr. Nelson said staff had reviewed these concerns and therefore had based approval of swales by the City engineer and Public Works Director.

**Discussion and consideration of a proposed change to the Nibley City subdivision-street ordinance**

Commissioner Swenson made a motion to recommend approval of the proposed change to the Nibley City subdivision-street ordinance. Commissioner Albrect seconded the motion.

Commissioner Green stated he thought this was a good idea but was concerned with where people would walk. Mr. Johnson clarified that there would still be sidewalk. Commissioner Green asked who determined where they could use swales. Commissioner Davenport reminded Commissioner Green that the City Engineer and Public Works Director would determine where swales could be used. Commissioner Green clarified that he was concerned with issues of curb and gutter connected to swales and back to curb and gutter. Mr. Nelson described regional detention and retention ponds and areas that had a designated storm water area would be required to connect to that designated area.

The motion passed unanimously 4-0; with Commissioner Swenson, Commissioner Albrect, Commissioner Green, and Commissioner Davenport all in favor.

**Discussion and consideration of the final plat for The Cottonwoods at Hollow Rd, a 17-lot conservation residential subdivision located at approximately 4030 Hollow Road (Applicant: Jim Johnson)**

The applicant, Jim Johnson, was present at the meeting. Councilmember Jacobsen recused himself from voting on this matter

Commissioner Bliesner left at 6:41 p.m. Commissioner Bliesner returned to the meeting at 6:42 p.m.

Mr. Nelson described the open space and density calculations of the proposed subdivision. Mr. Nelson described the changes to the plat since preliminary approval by the Planning and Zoning Commission. Mr. Nelson described the action that the City Council had taken regarding the subdivision and noted the three conditions of approval that were given. He described that the conditions had been met including the outcome of an appeal that had been filed against the subdivision. Mr. Nelson described the appeal that had been filed and the denial of the appeal. Commissioner Davenport asked that in the future Mr. Nelson to inform the Planning and Zoning Commission of any appeals that were filed that involved the Planning and Zoning Commission.

Mr. Nelson the city was currently working with the developer with the construction plans and not everything had been resolved regarding them. He requested the Planning and Zoning Commission made a recommendation of approval based on the Nibley City Engineer signing off on the construction drawings.

Commissioner Swenson made a motion to recommend approval of the final plat for The Cottonwoods at Hollow Rd, a 17-lot conservation residential subdivision located at approximately 4030 Hollow Road, applicant, Jim Johnson. Commissioner Green seconded the motion.

Commissioner Green asked about the trees that would be planted in the subdivision. Mr. Johnson said his intent was to hire an arborist and get the best possible trees in the area that would thrive and grow and be beautiful for the neighborhood.

Commissioner Bliesner stated that he thought, “this horse had done been tenderized.”

The motion passed unanimously 4-0; with Commissioner Swenson, Commissioner Green, Commissioner Davenport, and Commissioner Albrect all in favor.

Mr. Johnson stated that he had put the final subdivision together under great duress and great pressure. He said this bordered on illegal use of Nibley’s code and had moved it forward simply because it was important to move forward. He noted that he had lost 2 lots in the subdivision as a result of what he felt was misinterpretation of the code. Commissioner Davenport clarified that this was not the subdivision Mr. Johnson wanted and that he felt he was being forced to do this against his will. Mr. Johnson clarified that it wasn’t against his will but was against the code and discussed the remainder parcel that was included in the proposed 19-lot subdivision. He said Nibley code didn’t specify the guidelines for where open space would be and said according to the ombudsman of the State of Utah, the developer was the one who got to decide where that open space would be. Mr. Johnson discussed the two additional lots that were included in the 19-lot subdivision proposal and said he was basically told that if he didn’t remove those lots then the subdivision wouldn’t be approved and said he had removed those lots under duress. Commissioner Davenport asked Mr. Johnson if a member of the Planning and Zoning Commission placed any duress on him. Mr. stated, “not at all”. He said the Planning and Zoning Commission had approved a 19-lot subdivision. Commissioner Davenport asked if Mr. Johnson felt there was any action that should have been taken by the Planning and Zoning Commission. Mr. Johnson said they had done their job and passed the subdivision on to the organization that had legal authority to approve subdivisions. Commissioner Swenson clarified that they had recommended approval of a 19-lot subdivision. Mr. Johnson said he would address this issue with the City Council. Commissioner Davenport clarified that Mr. Johnson was concerned with the action that had been taken by the City Council.

Commissioner Davenport called for a five minutes recess at 7:04 p.m. The meeting resumed at 7:11 p.m.

### **Discussion and consideration of a proposed Nibley City Canal Ordinance**

Commissioner Johnson took his place back on the Planning and Zoning Commission dais.

Mr. Nelson described the changes that had been made to the proposed Nibley City Canal ordinance based on discussion held at the November 16 Planning and Zoning Commission meeting. He said it was being proposed that there be a 30-foot easement along an open canal, 15 ft. on each side measured from the center-line of the canal and a 20 ft. easement for piped canals including 10 ft. each direction measured from the centerline of the pipe. Mr. Nelson described that to encourage new developers they would be provided a 10% density bonus to provide this set back through a deeded public right-of-way and that the ordinance also gave the city the option to require a developer to submit a preliminary plat to the local canal company.

Mr. Nelson described that section 5 of the proposed ordinance had been taken from an agreement between the Nibley Blacksmith Fork Canal Company but as per the request of the Planning commission, letter "h" had been removed from Section 5 and moved to Section 6 so section 5 would apply more generally to all canal companies.

Commissioner Bliesner said their obligation as the city was to protect the private property owners and to extend a giving to another property as a courtesy was nice but their job was to protect the residents of Nibley and hoped their perspective was intact. Commissioner Davenport described the discussion that took place at the last Planning and Zoning Commission meeting with Paul Leishman, President of the Nibley Blacksmith Fork Canal Company and the legal representation for the Nibley Blacksmith Fork Canal Company. He said that both had voiced support for and acknowledged that there was a need for some flexibility when people wanted to build a fence or other structure near a canal. Commissioner Johnson said he felt the ordinance institutionalized the agreement between the Blacksmith Fork Canal Company and the City and Commissioner Swenson said he felt the ordinance shifted canal easement enforcement to the city, which he was not crazy about.

Commissioner Bliesner stated that if you gave the canal company an inch then they took 30 feet. He described experiences with the canal company and said interactions with the canal company were a personality driven situation. Mr. Nelson pointed out the broader concerns of flooding because canal had been clogged up because residents had put things in canals and had therefore endangered properties because the canal company was unable to get access to the problem areas. Commissioner Bliesner said he felt the canal companies were looking for unfettered access. Commissioner Bliesner said he took issue with the lack of property rights afforded to property owners. Commissioner Bliesner described the differences in irrigation water and stormwater conveyances. Commissioner Bliesner felt this ordinance would give the right to make a canal bigger and that property owners were not aware that they were only required to allow for the conveyance of irrigation water; not stormwater. He felt the city would have the ability to make irrigation ditches bigger in order to accommodate stormwater. Commissioner Swenson felt there needed to be a way to include an appeal process when there was a dispute between the property owner and the canal company. Mr. Nelson described the city's

appeal process. Commissioner Swenson noted that the city's decision could be appealed but there was no way to appeal the canal company's decision. Commissioner Bliesner said they could put a very large drainage channel in a 30-foot right-of-way. If it were established as an easement on the deed by the application of this ordinance what was a 4-5 foot ditch could be expanded to a 30-foot wide drain channel if the need occurred to the city. Commissioner Davenport expressed that he was concerned with the amount of property they were talking about and the ability of the property owner to enjoy the full enjoyment of their property.

Commissioner Davenport suggested the Planning and Zoning Commission request an appeal process that included both the city and the canal company; that both would have to agree to it so that land-owners had some sort of due process when or if the city or canal company denied any type of use within an easement. Commissioner Davenport also wanted to address the granting of a 30 foot-easement that would enable the canal company to increase the width or depth of a canal or waterway. He said there needed to be some sort of baseline. Commissioner Bliesner said the number needed to be based on the irrigation passage to preserve the rights of the farmer to pass as much water as they were entitled to pass. Commissioner Johnson questioned if the canal company could make the canal bigger? Commissioner Bliesner stated the canal company couldn't make a canal any bigger than is required to pass that amount of water. Commissioner Albrect discussed the appeal process and the burden of proof. Commissioner Albrect said she wanted the burden of proof to be on the party who was denying the use of the land; either the canal company or the city.

The Planning and Zoning Commission gave general consent to direct Mr. Nelson to address the appeal process in the ordinance with the burden of proof being on the party who was denying the use of the land. Commissioner Davenport said he also wanted to see a clear way of marking piped canals so that the property owner was aware there if there was a piped canal on their property.

Commissioner Swenson left the meeting at 8:00 p.m.

Commissioner Swenson returned at 8:02 p.m.

General consent was given to continue this discussion so that Mr. Nelson could address the issues that had been discussed.

Mr. Nelson and the Planning and Zoning Commission discussed whether they would like to have the City Attorney present for their next discussion. The Planning and Zoning Commission asked to have the City Attorney, City Engineer, and City Public Works Director present for their next meeting.

**Discussion and consideration of Resolution 16-P1: A Resolution designating the Nibley City Planner as the land use authority for accessory building permits: Resolution 16-P1**

Mr. Nelson read Resolution 16-P1 to the Planning and Zoning Commission.

General consent was given by the Planning and Zoning Commission to approve Resolution 16-P1: A Resolution designating the Nibley City Planner as the land use authority for accessory building permits.

**Staff Report and Action Items**

**Utility easements for accessory building permits**

Mr. Nelson said he had done research for utility easements on accessory building permits and ensuring that plats were checked for easements placed on a property. Commissioner Bliesner said the utility easement and the setback should be correlated. Commissioner Bliesner said he also believed that no one should be allowed to build on a utility easements.

**Conservation Subdivision**

Mr. Nelson said the conservation subdivision was going to be listed for this week's agenda but because of the length of the agenda, he and Commissioner Davenport had agreed that this discussion could be put of until the next meeting agenda.

**Planning & Zoning Meeting Schedule for 2017**

Mr. Nelson said he would be bringing the Planning & Zoning meeting schedule for 2017 to the Planning and Zoning Commission at their next meeting and asked the Planning and Zoning Commission their opinion of holding Planning and Zoning Commission meetings on the second and fourth Thursdays of each month. Mr. Nelson and the Planning and Zoning Commission discussed scheduling issues that moving their meetings presented.

Commissioner Green expressed that he was sorry to see Commissioner Davenport leave the Planning and Zoning Commission.

Commissioner Davenport thanked the Planning and Zoning Commissioners for their service and for the opportunity to serve with and get to know them.

Mr. Nelson reminded the Planning and Zoning Commissioners of the city Party the following evening.

There was general consent to adjourn the meeting at 8:24 p.m.

Attest: \_\_\_\_\_  
Deputy City Recorder