

**Naples Planning and Land Use**  
**Public Meeting**  
**September 19, 2024**

**Commission Present:** Chris Clark, Scott Major, Kevin Hiatt, Brock Arnold

**Commission Absent:** Jessy McKee, Ryan Wolfinger

**Others Present:** Mike Davis, Nolan Peek  
**Opening Ceremonies**

**Verification of full Quorum** Chris Clark verified a full quorum. All Commissioners will be voting in the meeting. In the event Kevin Hiatt makes it to the meeting, Brock Arnold will not be voting.

**Approval of Agenda** Brock Arnold motions to approve the agenda. Scott Major seconds the motion.  
All in favor:

<b>Chris Clark</b>	<b>Aye</b>
<b>Scott Major</b>	<b>Aye</b>
<b>Brock Arnold</b>	<b>Aye</b>

Motion carried with all voting Aye. None opposed.

**Disclosures** **None**

**Approval of Minutes** Brock Arnold motions to approve the August 15, 2024 minutes. Scott Major seconds the motion.  
All in favor:

<b>Chris Clark</b>	<b>Aye</b>
<b>Scott Major</b>	<b>Aye</b>
<b>Brock Arnold</b>	<b>Aye</b>

Motion carried with all voting Aye. None opposed.

**PLANNING/DISCUSSION**

**Short Term Rental**

**Public Hearing & Discussion**

Mike Davis presented the changes to the Short-Term Rental ordinance with the addition of parking requirements. Scott Major stated he would like further clarification on the parking requirements. Chris Clark stated he would like it to state a minimum of 2 parking spaces per rental unit, if there are 3 bedrooms, there will be 3 parking spaces, but a minimum of 2 parking spaces is always required, but one space per bedroom. Each additional bedroom over 2 bedrooms would require one additional parking space. Scott Major brought up some concerns regarding the penalty and appeal section. Brock Arnold stated he understands a code enforcement officer gives warnings of violation, which gets turned over to police. Scott Major stated for violation, penalties move up, which should probably read that a conviction moves up through the penalties. There is a notice of appeal, which can be reversed, reads as the next violation can move up in penalties, not the next conviction can move up in penalties. Scott Major stated if an individual hasn't been found guilty or plead guilty, it shouldn't be treated as an enhancement, as a protection to the people. Kevin Hiatt questioned who would determine the conviction. Scott Major stated the appeals officer. Brock Arnold stated his concern is who will monitor the violations. Mike Davis stated Dale Peterson, Naples City Building Inspector. Brock Arnold stated he would feel more comfortable if there is a monetary fine, he would rather it be turned over to the Naples Police to serve that. Kevin Hiatt stated a statement should be included that a reasonable amount of time to correct violations, prior to being fined.

Brock Arnold motions to open the public hearing on the Short Term Rentals ordinance. Kevin Hatt Seconds the motion.

All in favor:

<b>Chris Clark</b>	<b>Aye</b>
<b>Scott Major</b>	<b>Aye</b>
<b>Kevin Hiatt</b>	<b>Aye</b>
<b>Brock Arnold</b>	<b>Aye</b>

Motion carried with all voting Aye. None opposed.

No public comment.

Scott Major motions to close the public hearing on the Short-Term Rentals ordinance. Brock Arnold seconds the motion.

All in favor:

<b>Chris Clark</b>	<b>Aye</b>
<b>Scott Major</b>	<b>Aye</b>
<b>Kevin Hiatt</b>	<b>Aye</b>
<b>Brock Arnold</b>	<b>Aye</b>

Motion carried with all voting Aye. None opposed.

Scott Major would like to see the ordinance come back with the changes mentioned.

Kevin Hatt motions to table the item until the proposed changes have been made and resubmitted for review, as discussed. Scott Major seconds the motion.

All in favor:

<b>Chris Clark</b>	<b>Aye</b>
<b>Scott Major</b>	<b>Aye</b>
<b>Kevin Hiatt</b>	<b>Aye</b>
<b>Brock Arnold</b>	<b>Aye</b>

Motion carried with all voting Aye. None opposed.

**Storage Unit Facility  
Non-Conforming Use  
Nolan Peek**

Nolan Peek presented the layout of the storage facility to the Planning Commission. Mr. Peek stated he is looking to add more buildings to the existing facility and make it look more appealing. Scott Major questioned if he was here for a non-conforming use int the zone. Mike Davis stated a rental unit is only allowed in Industrial, but this has been rezoned to be a commercial property. Mr. Peek stated the current owner has owned the rental unit since 1996. Mike Davis stated there is an issue where storage units are only allowed in Industrial Zone, not the commercial zone. Mike Davis stated in conversation with Uintah County and Vernal City, they do not allow expansion or enhancements. Brock Arnold questioned when the property was rezoned. Mike Davis stated he didn't know. Chris Clark stated the use covers the entire property, as long as it can be confirmed the use exists, they can continue to use the property with the ordinance 02-07-007. Application for expansion of the use on the property can be made, if he has non-conforming use certificate, he has the ability to request expanding the use on the land, and Planning Commission has reviewed and approved it for expansion, he can move forward and the continued use of the property and expansion will fall under the non-conforming use certificate. Brock Arnold questioned if they had bought the property in 1996 with the intention to do storage and had never followed through, then we would deny it. But because it is existing, that's where the non-conforming use comes into play. Chris Clark stated yes. Chris Clark stated it would be different if someone was purchasing property that had been abandoned for over a year and has not been used as that specific use, but the zone had changed prior to that, an Invidia would be purchasing non-conforming use property if it was over the timeframe. Brock Arnold stated the entire lot is being used for storage, as there are trailers and campers, the lot itself is used as storage. He feels it is written as such, so as not to penalize a land owner from using their lot. Kevin Hiatt stated they could pass it with contingencies, knowing what he has to get done. Brock Arnold stated he should come back with and engineered site plan. Chris Clark stated the current owner would have to go through the non-conforming use certificate process. Brock Arnold questioned if conditions can be put on the expansion. Chris Clark stated yes, because it's a non-conforming use, we can allow the expansion but there are criteria to be more in line with the commercial zone. Mike Davis stated it basically turns into a conditional use. Brock Arnold stated there are requirements for storage facilities, including paving, fencing, and landscaping. Brock Arnold stated in one of the proposed site plans, it shows a building on the edge of the property, which would not fly in this zone because they would want it to match the commercial area. Scott Major stated the buildings would need to meet the setbacks in the zone. Chris Clark stated the driveways would have to be paved, and there would need to be landscaping.

**Downtown Commercial  
Proposed Ordinance Changes**

Mike Davis presented the proposed changes to the Downtown Commercial ordinance.

Brock Arnold motions to approve the proposed changes and send to the Attorney for review.  
Kevin Hiatt seconds the motion.

<b>Chris Clark</b>	<b>Aye</b>
<b>Scott Major</b>	<b>Aye</b>
<b>Kevin Hiatt</b>	<b>Aye</b>
<b>Brock Arnold</b>	<b>Aye</b>

Motion carried with all voting Aye. None opposed.

**Subdivision Ordinance  
Legislative & Proposed Changes**

Mike Davis presented to the Planning Commission the proposed changes to the Subdivision Ordinance. Chris Clark stated any instances of Land Use Authority needs changed to Land Use Administrator throughout the chapter. Mike Davis proposed changing the minor subdivision from eight lots to four lots, for the plat requirements to align with the state. Chris Clark stated we need to add in a section regarding remainder parcels, as the state has changed what is allowed to be included on a subdivision plat. Chris Clark stated the process needs to change from showing it on a plat, to do a minor subdivision to split the parcel, so only the major subdivision encompasses the entire parcel. This is so that Naples can review the minor subdivision so that both parcels are legal. Chris Clark stated if there are multiple phases to a project, they split the boundaries of the larger parcels separately before they are subdivided, to ensure they comply with land use ordinances and to prevent illegal parcels. Chris Clark suggested we add a section about grading.

**Proposed Highway 40 Rezone**

Mike Davis presented to the Planning Commission a list of the businesses on Highway 40, indicating those business that may be affected by the proposed rezone. Chris Clark stated the only time frontage and acreage will come into play on a property is when they are subdividing the property, if the lot is smaller, it would be a non-conforming lot. Scott Major stated looking at the properties, it needs determined with each property are we comfortable with having property be a non-conforming use. Chris Clark stated his concern is that we are accepting the properties as-is, if they are rezoned, they are what they are. What we don't want to rezone them and then have a lot of non-conforming issues come up, and deny any development on the lots. We need to allow non-conforming use to continue until the use changes. Kevin Hiatt stated the only properties effected will only be the ones not operating as commercial. The Commission directs staff to put the use of each property on the document for their review.

**ITEMS FOR FUTURE DISCUSSION**

**ADJOURN**

Brock Arnold motions to adjourn, Scott Major seconds the motion.

All in favor:

<b>Chris Clark</b>	<b>Aye</b>
<b>Scott Major</b>	<b>Aye</b>
<b>Kevin Hiatt</b>	<b>Aye</b>
<b>Brock Arnold</b>	<b>Aye</b>

Motion carried with all voting Aye. None opposed.

**The next Planning and Zoning meeting will tentatively be held October 17, 2024 in the Naples City Council Chambers @ 7:30 P.M.**