
**City of Nibley
Planning Commission
Held at Nibley City Hall
455 West 3200 South
Nibley, UT 84321
Thursday October 5, 2023**

Call to Order – Roll Call – Approval of Agenda – Approval of Minutes

Commission Chair Garrett Mansell called the meeting to order at 6:33 p.m.

Present: Commission Chair Garrett Mansell, Commissioner Tyler Obray,
Commissioner Karina Brown and Alternate Commissioner Clair Schenk

Absent: Commissioner Bret Swenson and Commissioner Matt Logan

Staff Present: City Planner Levi Roberts, Assistant Recorder Jamie Ann Gonzales and
City Engineer Tom Dickinson

Guests Present: Mayor Larry Jacobsen, Councilmember Erin Mann via Zoom and Holly
Fronk, Animal Land Use Committee

Applicants:

There was general consent for the evening's agenda.

There was general consent for September 21, 2023, meeting minutes.

Public Hearing: Ordinance 23-33: Public improvements required with commercial, industrial and institutional site plan approval

Mr. Roberts utilized an electronic presentation entitled *Site plan review public improvement requirements* (a printed copy of the presentation is included in the printed, record copy of the meeting minutes).

His presentation included:

- **Background**
- **Staff Recommendation**
Recommend approval of Ordinance 23-33: Public improvements required with commercial, industrial and institutional site plan approval

Commissioner Mansell opened the public hearing at 6:36 p.m.

Seeing no public comment, Commissioner Mansell closed the public hearing at 6:36 p.m.

Discussion and Consideration: Ordinance 23-33: Public improvements required with commercial, industrial and institutional site plan approval

Action: Recommend approval of Ordinance 23-33: Public improvements required with commercial, industrial and institutional site plan approval
Motion: Commissioner Brown
Second: Commissioner Obray
Vote: Unanimous; 4-0

Discussion and Consideration: Conditional Use Permit for Citrus Pear, a ‘Meal Preparation & Assembly’ business at 2788 S Hwy 89-91 (Applicant: Mace Rockwood)

Mr. Roberts utilized an electronic presentation entitled *Citrus Pear conditional use permit* (a printed copy of the presentation is included in the printed, record copy of the meeting minutes).

His presentation included:

- **Background**
- **Aerial Location**
- **Site Floor Plan**
- **More Background**
- **Staff Recommendation**

Approval of the Conditional Use Permit for Citrus Pear, a ‘Meal Preparation & Assembly’ business at 2788 S Hwy 89-91 with the following conditions:

1. Must be inspected by County Fire Marshall certifying compliance with the fire code.
2. A building inspection must be conducted to ensure the building meets intended use and occupancy for the building.
3. Any building addition or substantial modifications to the site will require a site plan review in accordance with NCC 19.15.050.

Commissioner Mansell received clarification that there was no client access to the site, only parking for employees.

Mr. Roberts responded to Commissioner Schenk that the employees assemble, package, and deliver the food to the residents.

Commissioner Brown commented that it was “exciting”.

Action: Approval of the Conditional Use Permit for Citrus Pear, a ‘Meal Preparation & Assembly’ business at 2788 S Hwy 89-91 with staff recommendation
Motion: Commissioner Schenk
Second: Commissioner Obray
Vote: Unanimous; 4-0

Workshop: Animal Land Use Ordinance

Commissioner Brown asked Ms. Fronk to give an overview of the process.

Commissioner Mansell reported that Commissioner Swenson did not want any roosters or pigs. Mr. Roberts confirmed that the update was for roosters on lots larger than .75 acres but needed 1.05 acres to have a rooster because they were 105 points.

Ms. Fronk informed the Commission that a companion animal was added for large animals to avoid a nuisance of a lone animal. She expressed concern over the animals that were taken away in her neighborhood and the special needs children who could no longer come see them.

Commissioner Mansell wanted to know what updates were made for pigs. Mr. Roberts said that Points were adjusted on agricultural lots over five (5) acres for all animals as an incentive to keep it agricultural.

Commissioner Mansell was concerned with mitigating dust bowls from horses on smaller lots. Mr. Roberts said the idea in discussion was to make horses the same amount of points as the cows because the impact was the same. Commissioner Obray commented that there were no problems with horses if the manure was removed. He asked how many complaints the city received about horses in the past five (5) years. Mr. Roberts and Mrs. Gonzales responded to having knowledge of only one (1) complaint that was for too many horses on a small lot. Mr. Roberts commented that more complaints came from roosters and dogs.

The Commission discussed companion animals. Commissioner Obray clarified that the companion was to the animal not the human. There was general consent to change it to *Second Animal Allotment*.

Commissioner Obray brought up discussion on how to manage nuisances for horses. Mr. Roberts said there was an ordinance for manure. Commissioner Obray suggested adding an exception to allow for temporary boarding of horses. There was general consent. Mr. Roberts noted that a stallion classification was added on five (5) acres or more.

Commissioner Obray was fine with the amendments with the exception of pigs. He thought there should only be two (2) pigs allowed for no more than sixty (60) to ninety (90) days. There was general consent.

The Commission discussed the age for offspring of the same species.

Mrs. Gonzales brought up discussion on code enforcement and nuisances for horses. Commissioner Obray suggested reevaluating nuisances as they come up. Mr. Roberts thought it was a good point to have something in the nuisance ordinance about dust impacts beyond your property. Commissioner Obray wanted to wait and see if it was an issue.

Commissioner Schenk agreed with the ordinance except for the pigs. There was general consent to change it to ninety (90) days.

Mr. Roberts utilized an electronic presentation entitled *Animal Land Use Ordinance* (a printed copy of the presentation is included in the printed, record copy of the meeting minutes). He displayed a summary of the recommended ordinance changes.

Mayor Jacobsen spoke to the Commission as a committee member. He explained the purpose for all the animal points in an agricultural zone relating to 4H projects at Morgan Farm. He acknowledged that it could create a problem in establishing a use that would be legally nonconforming in the future and using caution. He informed the Commission that because Morgan Farm was city owned property, it could be managed appropriately. He clarified for Commissioner Obray that a legally non-conforming land use carried over to the land and not the property owner. Mrs. Gonzales received clarification that the nuisance ordinance was not grandfathered in.

Staff Report and Action Items

Mr. Roberts reported on the following:

- Changes to Subdivision Ordinance
- Groundwater Ordinance
- Cache Summit in November
- APA Utah Conference Recap

Commissioner Mansell adjourned the meeting at 7:26 p.m.

ATTEST:

Jamie Ann Gonzales, Assistant Recorder