

The Meeting of the Nibley Planning and Zoning Commission held at Nibley City Hall, 455 West 3200 South, Nibley, Utah on Thursday, January 10, 2019.

The following actions were made during the meeting:

Commissioner Albrect moved to accept Resolution 19-P1: A Resolution Adopting the 2019 Nibley City Planning Commission Meeting Schedule as outlined. Commissioner Logan seconded the motion. The motion passed unanimously 3-0; with Commissioner Albrect, Commissioner Logan, and Commissioner Mansell all in favor.

Planning and Zoning Commission Chair Garrett Mansell called the Thursday, January 10, 2019 Planning and Zoning Commission meeting to order at 5:40 p.m. Those in attendance included Commissioner Garrett Mansell, Commissioner Matt Logan, and Commissioner Carol Albrect. Mr. Stephen Nelson, Nibley City Planner, was also present.

Approval of 11-29-18 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.

Discussion and consideration of Resolution 19-P1: A Resolution Adopting the 2019 Nibley City Planning Commission Meeting Schedule

Mr. Nelson presented this item. Mr. Nelson said that by law the Planning Commission was required to adopt an annual schedule at the first meeting of every year. Mr. Nelson said the Resolution before the Planning Commission had the Commission meeting on the first and third Thursdays of each month; versus the second and fourth Thursday. Mr. Nelson noted the reasons some meetings in the Resolution were scheduled cancelled. Mr. Nelson said the schedule didn't lock them into the proposed dates.

Mr. Nelson said Commissioner Swenson had requested the Planning Commission meetings begin at 6:00 p.m. He said staff had no concerns with moving the meeting time.

Commissioner Albrect moved to accept Resolution 19-P1: A Resolution Adopting the 2019 Nibley City Planning Commission Meeting Schedule as outlined. Commissioner Logan seconded the motion. The motion passed unanimously 3-0; with Commissioner Albrect, Commissioner Logan, and Commissioner Mansell all in favor.

Commissioner Obray arrived at 5:46 p.m.

Workshop: Landscaping Standards for Residential Lots

Mr. Nelson presented this item. Mr. Nelson said Nibley City's current landscaping for residential lot requirements were found in Nibley City code 19.24.170. Mr. Nelson

summarized some of the requirements included in this code. Mr. Nelson said there had been concern with the amount of time taken before new homeowners installed their landscaping on a new home. Commissioner Swenson had noted Hyrum City requirements; they required every home that had a building permit after 2008 were required to pay a \$2000 deposit until the resident installed a front yard and then the deposit was returned to the homeowner. Mr. Nelson discussed landscaping requirements in Eagle, ID. Mr. Nelson wanted to know the Planning Commission thoughts and if they wanted to pursue the issue; have stricter requirements, did they want to do a fee or deposit, or were they fine with how the city was currently doing things.

Mr. Nelson and Commissioner Logan discussed how a \$2,000 deposit was or would be assessed. Commissioner Logan asked if there had been problems in cities that required a deposit? Mr. Nelson said Nibley City had more expensive building permits because of the impact fees that were assessed and the deposit would add another burden to residents who were building. Commissioner Obray said he had been in a city that did a deposit and the biggest problem had been enforceability and forfeiture. He also questioned how they addressed residents that were already in and just had dead yards and dead space. Mr. Nelson said they could write landscaping into their code enforcement and make it a fineable offence. Mr. Nelson described Nibley City's current weed enforcement procedures. Mr. Nelson and Commissioner Obray discussed withholding building occupancy for non-compliance. Commissioner Mansell discussed that most subdivisions had CCNRs and asked if there was enforcement under CCNRs. He had also seen front yard landscaping included in a build job.

Mr. Nelson felt he had the understanding that the Planning Commission wanted to see something where the builder would be required to put in landscaping and if this were not done then the City would require a deposit. Commissioner Albrect thought making the builder responsible reduced the frustration with homeowners and fostered better relationships with the City. Mr. Nelson asked what type of standards they wanted to see; he recommended they define something that was not just grass. Commissioner Albrect thought they should consider, encourage, or reward landscaping that was conservative on water. She discussed a reward or reduced deposit for vegetation that was conducive to dry weather. Commissioner Obray said until they had ordinances that allowed lots less than $\frac{1}{3}$ or $\frac{1}{2}$ acre then they couldn't require xeriscaping. Commissioner Albrect questioned if there was some way to enforce drought tolerant vegetation? Commissioner Obray thought Nibley City's housing density was part of water conservation. He would like to see individual landscaping plans governed through CCNRs and HOAs with developers and Nibley having a minimum required landscaping plan at closing and letting the developer decide how much landscaping they wanted to put in addition to the minimum. Commissioner Albrect said they shouldn't require residents have sod all over their front yards. Commissioner Albrect wondered if cost would be a problem and described a homeowner in her neighborhood with health

problems. Commissioner Logan said it was easier to enforce on the front end that it would be after.

Commissioner Obray questioned if they wanted to enforce the requirement?

Commissioner Obray questioned if they were trying to prevent citizens coming to the city and reporting on their neighbor's yards and expecting the city to do something about it. Mr. Nelson said this was the goal and perhaps creating a more uniform look throughout the City. Commissioner Albrect didn't want to have to worry about weeds up to their chin.

Mr. Nelson said he could come back in February on propose some ideas. Commissioner Mansell said he would like to see something addressed for enforceability of CCNRs. Commissioner Logan agreed with Commissioner Obray; they should make it part of the building process and then could require a deposit if weather wasn't permitting. Commissioner Mansell wanted to encourage the effective use of drip systems and not spraying everything; the effective use of water.

Commissioner Logan requested Mr. Nelson look at one or two other cities that had similar requirements and what problems they'd had.

Workshop: Subdivision Regulations

Mr. Nelson led this discussion. Mr. Nelson said Nibley City's subdivision code was chapter 21. Mr. Nelson discussed Nibley City's current subdivision approval process. He said Nibley City's approval process was one of the more cumbersome ones in the State. Mr. Nelson said there was no State requirement to hold a public hearing for a subdivision approval. It was an administrative decision. He recommended they remove the public hearings from the approval process. He felt the public hearings didn't add to the discussion and wasn't the format to receive these types of concerns because it was an administrative matter. Commissioner Obray said the rural preservation code had significant interpretation on whether or not a developer got a density bonus and thought in those aspect the pubic hearing was good. He asked if they could carve the public hearing requirement up a little bit? Mr. Nelson said they could allow public comment for cluster subdivisions, rural preservation subdivision, or possible planned unit development ordinance subdivisions. He said they may also want a deeper review to those types of developments and would want to allow public comment; whereas as standard subdivision was simpler. Commissioner Obray assumed they could include the caveat that if there were any requests outside of ordinances they could hold the public hearing. The Planning Commission discussed the comments they'd heard about the difficulty of developing in Nibley City. Commissioner Obray and Commissioner Mansell agreed they should always have a public hearing with the Rural Preservation ordinance and with the potential planned unit development ordinance because these developments were an alteration and interpretation of ordinance. Commissioner Obray said there needed to be a way to get a subdivision out of the hands of a belligerent Planner. He asked how there would be recourse for personality conflicts with a city

employee? Commissioner Mansell said they needed to include clear ordinances so everything was clear; there was a clear checklist. Commissioner Obray disagreed and said there would always be room for nuance in interpretation of ordinance. Commissioner Logan suggested if there were a minor subdivision that was disapproved by staff, then the Planning Commission and City Council would review it. Mr. Nelson suggested a time limit that by law staff a certain amount of time for review and approval after everything was received; and if the time limit weren't met then it would trigger review by the City Council or Planning Commission. He said this would motivate a land use authority to get something reviewed in a proper timeframe.

Mr. Nelson said one of the biggest weaknesses of the subdivision ordinance was their access plan and what they required for access. Mr. Nelson showed the Planning Commission an example of this code weakness in one of Nibley City's developments. He said there had been back and forth between the City and developer on what was required, what the right-of-way should be, and asphalt width. Mr. Nelson said he wanted to fix this. Mr. Nelson described that Nibley City's proposed transportation Master plan recommended a point system for connectivity and described a point based plan that gave points for trails. Mr. Nelson said Nibley City's code required a trail every 660 feet and required a trail out the back of a cul-de-sac as long as surrounding development didn't prohibit the trail. Commissioner Logan asked Mr. Nelson to check into the homeowners living along trails and if they had experienced any sort of nuisance issues. He said the connectivity was cool but wondered if there were other problems. Mr. Nelson described fencing requirements along trails. Councilmember Larsen and Mr. Nelson discussed corner lot fence requirement with Mr. Nelson stating he believed the Planning Commission would look at Nibley City's corner lot fence requirements in the upcoming year. Commissioner Obray liked the connectivity but also valued the personal privacy of the person buying a lot. Mr. Nelson was looking at a point system to enhance connectivity throughout developments. The development would have to meet certain points, depending on size, to get approved. They were trying to motivate trails and connections. Commissioner Obray said he didn't feel they had big enough developers to put a real trail map together. Mr. Nelson and the Planning Commission discussed cul-de-sacs the perceived safety of cul-de-sac. Commissioner Obray didn't feel they needed to address connectivity. They'd already fixed the most egregious problem. Councilmember Larsen said agreed and felt they'd already come up with some sort of solution and most homeowners in a cul-de-sac were not going to want a trail by their house; no one wanted an alleyway by their house. The Planning Commission Commissioner discussed crime in alleyways. Commissioner Albrect the thing that predicted crime was the physical environment. If the environment was open and very visible then crime decreased dramatically. The Planning Commission discussed who was responsible for maintenance of connecting trails. Commissioner Obray said he didn't like the ordinance at all unless it were a trail going to another public avenue or place. He didn't see the point of a sidewalk connecting two roads and didn't feel they needed a point system. He said the point system was the Rural Preservation ordinance. Commissioner Albrect liked a point system for trails but not for roads. The Planning Commission agreed that trails

should provide access to a public amenity. Mr. Nelson asked if the Planning Commission had any other suggestions for the subdivision code. Commissioner Albrect suggested trees. They needed more trees. She described the tree environment in Texas.

Commission and Staff Report and Action Items

Mr. Nelson reported on item for the next Planning Commission meeting. They would have a flag lot consideration in correspondence with a Minor Subdivision application. Mr. Nelson said he was also planning to do a workshop to prioritize the 2019 Planning Commission goals.

Mr. Nelson described the status of the Planned Unit Development ordinance. He said the City Council had decided to form a committee to discuss the ordinance. Commissioner Mansell asked why no one from the Planning Commission was on the committee?

Mr. Nelson reported that the City Council had approved the reappointment of Commissioner Swenson and had approved of the appointment of Commissioner Mansell as Chair and Commissioner Obray as Vice-Chair of the Planning Commission.

There was general consent to adjourn the meeting at 7:33 p.m.

Attest:

Deputy City Recorder