

A Meeting of the Nibley City Planning Commission held at Nibley City Hall, 455 West 3200 South, Nibley, Utah, on Thursday, November 5, 2020.

The following actions were made during the meeting:

Commissioner Swenson moved to approve the Conditional Use Permit for a building permit of a single-family home in an Industrial zone on Parcel 03-021-003; applicant: Derik Page, with the conditions as outline by the City Planner; a driveway turnaround which met fire code and was provided and approved by the Fire Marshall, utility construction plans must be approved by the Public Works Director and City Engineer, and the applicant shall dedicate to the City a ten-foot-wide easement for a trail that runs along portions of the south and west boundaries of the parcel to connect 700 west to the intersection of parcels 03-021-0022 and 03-021-0026. Commissioner Brown seconded the motion. The motion passed 4-1; with Commissioner Swenson, Commissioner Brown, Commissioner Mansell, and Commissioner Obray in favor. Commissioner Logan was opposed.

Commissioner Mansell moved to recommend approval of Ordinance 20-19: An Ordinance to allow 'floral shop' in R-1 and R-1A zones with the following conditions: the development of a 'floral shop' is consistent with the purpose of the R-1 and R-1A zones and potential impacts of the associated use can be mitigated through the conditional use permit process. Commissioner Logan seconded the motion. The motion passed unanimously 5-0; with Commissioner Mansell, Commissioner Logan, Commissioner Swenson, Commissioner Obray, and Commissioner Brown all in favor.

Commissioner Logan moved to recommend approval of the Final Plat for Ridgeline Park Subdivision Phase1, located at approximately 340 W 3200 S; applicant, Visionary Homes, with the following conditions: the City Engineer needs to provide final approval of the construction drawings prior to recording the plat, and the Park Development Agreement must be approved by the City Council. Commissioner Brown seconded the motion. The motion passed unanimously 5-0; with Commissioner Logan, Commissioner Brown, Commissioner Swenson, Commissioner Mansell, and Commissioner Obray all in favor.

Commissioner Swenson moved to recommend approval of the Final Plat for Ridgeline Park Subdivision Phase 2, located at approximately 340 W 3200 S; applicant, Visionary Homes, with the following conditions: the City Engineer needs to provide final approval of the construction drawings prior to recording plat and the applicant needed to provide a \$149,180.72 bond to meet the open space amenities requirement. Commissioner Mansell seconded the motion. The motion passed unanimously 5-0; with Commissioner Swenson, Commissioner Mansell, Commissioner Logan, Commissioner Obar, and Commissioner Brown all in favor.

Commissioner Mansell moved to recommend approval of the Final Plat for Ridgeline Park Subdivision Phase 3, located at approximately 340 W 3200 S; applicant, Visionary Homes, with the conditions as shown by staff: the City Engineer needs to provide final approval of the construction drawings prior to recording plat and the applicant needed to provide a \$13,861.45 bond to meet the open space amenities requirement. Commissioner Logan seconded the motion. The motion passed unanimously 5-0; with Commissioner Logan Mansell, Commissioner Logan, Commissioner Swenson, Commissioner Obray, and Commissioner Brown all in favor.

OFFICIAL MINUTES OF THE MEETING
Deputy City Recorder Cheryl Bodily took minutes

Call to Order and Roll Call

Commissioner Tyler Obray called the Thursday, November 5, 2020 Nibley City Planning Commission meeting to order at 6:36 p.m. Those in attendance included Commissioner Tyler Obray, Commissioner Karina Brown, Commissioner Bret Swenson, Commissioner Garrett Mansell and Commissioner Matt Logan. Nibley City Planner, Levi Roberts was also present.

Approval of the Previous Meeting Minutes and Current Agenda

Commissioner Swenson moved to approve the evening agenda and the previous meeting minutes. Commissioner Mansell seconded the motion. The motion passed unanimously 5-0; with Commissioner Swenson, Commissioner Mansell, Commissioner Obray, Commissioner Logan, and Commissioner Brown all in favor.

Discussion and Consideration: Conditional Use Permit for a Building Permit of a Single-Family Home in an Industrial Zone on Parcel 03-021-003 (Applicant: Derik Page)

Mr. Derik Page was present at the meeting. Mr. Roberts described the location of Mr. Page's proposed single-family home. Mr. Roberts utilized an electronic presentation entitled Nibley City Planning Commission, October 1, 2020 (a printed copy of this electronic presentation is included in the printed meeting minutes). His presentation included the following topics: Conditional Use Permit – Single-Family Home, Background, Plot Plan, Recommendation.

Mr. Roberts said staff's recommendation was to approve the conditional use permit with the following conditions: a driveway turnaround which met fire code and was provided and approved by the Fire Marshall, utility construction plans must be approved by the Public Works Director and City Engineer, and the applicant shall dedicate to the City a ten-foot-wide easement for a trail that runs along portions of the south and west boundaries of the parcel to connect 700 west to the intersection of parcels 03-021-0022 and 03-021-0026.

Mr. Page asked about the 10-foot easement. He questioned if the design that was presented had to be done; it created an island for him that would be difficult to use. Mr. Roberts said staff's recommendation was to go along the borders of the property, along the south and west border until the two intersection parcels met. Mr. Roberts showed where staff anticipated the easement to be on the Cache County Parcel Viewer. He said the land couldn't be built on because it was within the property's setbacks. Mr. Paise suggested a passageway long two parcels that were not currently owned. Commissioner Mansell said this would require a Quiet Title and a process that no one wanted to go through. Commissioner Obray questioned how they could require a public easement on private land that was not being subdivided. Mr. Roberts said it was not being subdivided but was being developed so there was an impact being created so this was why it was justified. Commissioner Obray asked why they weren't required to purchase the land from him. Mr. Roberts said Nibley's attorney had said he felt comfortable with recommending the easement; the dedication was roughly proportionate to the impact of the development because the easement will have minimal impact because of its limited scope in proportion to the development.

Commissioner Mansell asked when they had approved a conditional use permit for storage units. He asked if this needed to be terminated. Mr. Roberts reported that the conditional use permit had already expired. Commissioner Obray didn't think the city should put a permanent public easement on private property as an offset from the house. Mr. Roberts said they wanted to be able to implement the City's Trails Master plan. Mr. Page said the City had planned five trails on his property and questioned if the City maintained the property and who had liability.

Commissioner Brown asked if they issued a conditional use permit if the applicant could split off the parcel and use the land for something else such as Industrial. Mr. Roberts said the applicant could subdivide the land and there had been discussion of rezoning the parcel as residential. The City could be proactive and rezone the property. Mr. Page said he foresaw building a subdivision and creating enough frontage for a lot on the right side and left sign coming in and then maintaining 6 acres on the back. Mr. Page said he would be very cooperative about the City rezoning the parcel Residential. Commissioner Obray observed that if Mr. Page did a subdivision, they could require the trail easement. Mr. Roberts and Commissioner Logan discussed if a rezone could be discussed later. Mr. Roberts agreed that this discussion could wait, and the applicant could move forward. Commissioner Logan said he felt it would be more appropriate to worry about the trail once/if the property were developed.

Commissioner Swenson moved to approve the Conditional Use Permit for a building permit of a single-family home in an Industrial zone on Parcel 03-021-003; applicant: Derik Page, with the conditions as outlined by the City Planner; a driveway turnaround which met fire code and was provided and approved by the Fire Marshall, utility construction plans must be approved by the Public Works Director and City Engineer, and the applicant shall dedicate to the City a ten-foot-wide easement for a trail that

runs along portions of the south and west boundaries of the parcel to connect 700 west to the intersection of parcels 03-021-0022 and 03-021-0026. Commissioner Brown seconded the motion. The motion passed 4-1; with Commissioner Swenson, Commissioner Brown, Commissioner Mansell, and Commissioner Obray in favor. Commissioner Logan was opposed.

Public Hearing: To Receive Comment on Ordinance 20-19: An Ordinance to Allow 'florist' in R-1 and R-1A Zones

Mr. Roberts utilized an electronic presentation entitled Nibley City Planning Commission, October 1, 2020 (a printed copy of this electronic presentation is included in the printed meeting minutes and begins on slide 6). His presentation included the following topics: Florist Zone Designation, and Background.

Commissioner Obray opened the public hearing at 7:01 p.m.

Seeing no public comment, Commissioner Obray closed the public hearing at 7:01 p.m.

Discussion and Consideration: Recommending Approval of Ordinance 20-19: An Ordinance to Allow 'florist' in R-1 and R-1A Zones

Mr. Roberts said it was staff's recommendation to recommend approval of Ordinance 20-19: An Ordinance to allow 'floral shop' in R-1 and R-1A zones with the following findings: the development of a 'floral shop' is consistent with the purpose of the R-1 and R-1A zones and potential impacts of the associated use can be mitigated through the conditional use permit process.

Commissioner Mansell moved to recommend approval of Ordinance 20-19: An Ordinance to allow 'floral shop' in R-1 and R-1A zones with the following conditions: the development of a 'floral shop' is consistent with the purpose of the R-1 and R-1A zones and potential impacts of the associated use can be mitigated through the conditional use permit process. Commissioner Logan seconded the motion. The motion passed unanimously 5-0; with Commissioner Mansell, Commissioner Logan, Commissioner Swenson, Commissioner Obray, and Commissioner Brown all in favor.

Public Hearing: Final Plat for Ridgeline Park Subdivision Phases 1-3, located at approximately 340 W 3200 S (Applicant: Visionary Homes)

Commissioner Obray opened the public hearing at 7:08 p.m.

Denise Buchanen of 472 West 3220 South wanted an explanation of why she was the only one who had gotten a letter notifying her of the public hearing. She said an additional 500 townhomes, homes and condos effected the whole city. She discussed the traffic that would be put on the roads with all the additional development. Mrs. Buchanen asked about schools. She said schools were overflowing already and also discussed that sewer and water were being impacted. She asked if they had considered how these utilities could handle the additional development.

Heather Holms of 3275 South 250 West asked for an explanation of the things that were being built in the subdivision in other phases. Mrs. Holms said they had lived in Nibley for 8 years and really enjoyed the open space. They didn't like the feel of townhomes. They lived on 3200 South and were concerned about the traffic; including traffic that came down 250 West. She said with 8 kids this made her really nervous.

Brian Anderson of 780 West and 3200 South asked about safety and questioned if a safety study had been done for these types of projects. Mr. Anderson said the number of trucks on 3200 South was almost frightening. He asked if the Planning Commission could put the number of units that would be involved in each phase on the agenda. Mr. Anderson said it would be nice if residents could get a map of the home or a layout of what was going in. It would be nice to see it and would be helpful to those who couldn't get to the meetings. Mr. Anderson said 3200 "scared the sox off of him."

Casey Jensen of 499 West and 3220 South also discussed safety and wanted to know if there was an impact study of the response of emergency services. He asked if the City was prepared to contract for more Sherriff's office services? He said 3200 South was ridiculous with the amount of speeding on it. He asked for the impact of construction vehicles on the intersection on highway and 3200. He said developers didn't care about their subcontractors and how they were speeding.

Celeste Vehwig of 1355 West and 3390 South asked why they were doubling the size of their City with only three phases and subdivisions. Most of them had moved to Nibley for the small-town feeling. She didn't think citizens were opposed to new development coming but didn't feel the City hadn't taken into account the impact to existing citizens. She discussed impact to schools, water, and sewer. She didn't think the people that already lived in Nibley were being taken into account. Ms. Vehwig was also concerned about an impact to emergency medical services and was concerned that the development would also raise these rates. 500 homes in one subdivision was a huge strain to the homes that were already here and thought development should be done more responsibly.

Bonnie McBride of 244 West and 3200 South dittoed everyone's comments. She wanted the traffic at the intersection of 250 West and 3200 South addressed.

The Planning Commission and Mr. Roberts addressed the questions that had been asked by the citizens. Mr. Roberts clarified state mandated notification requirements. Benjamin Steele, representing the developer, described the plans for the remainder of the parcel. Commissioner Obray discussed impact studies that had been conducted. Mr. Roberts said new development would pay into contracts for emergency services. Mr. Roberts described where public information could be found online.

Commissioner Obray closed the public hearing at 7:35 p.m.

Discussion and Consideration: Final Plat for Ridgeline Park Subdivision Phase 1, located at approximately 340 W 3200 S (Applicant: Visionary Homes)

Mr. Roberts utilized an electronic presentation entitled Nibley City Planning Commission, October 1, 2020 (a printed copy of this electronic presentation is included in the printed meeting minutes and begins on slide 9). His presentation included the following topics: Ridgeline Park Phase 1 – Final Plat, Preliminary Plat, Final Plat, Staff Recommendations.

Mr. Roberts said staff's recommendation was approval of Ridgeline Park Phase 1 Final Plat with the following conditions: the City Engineer needs to provide final approval of the construction drawings prior to recording the plat, and the Park Development Agreement must be approved by the City Council.

Commissioner Obray asked if the road on Ropelatto Drive had been worked out. Mr. Roberts said the developer would be paying for the entire width of a 60-foot right-of-way. This would require more off-street parking in the public park, using park impact fees, and there wouldn't be parking along the roadway. Commissioner Swenson questioned if the City was requiring a bond for park amenities. Mr. Roberts reported that this was required in Phases 2 and 3. The applicant had brought in cost estimates for all of the amenities and once the developer got to phase 2 and 3, they fell behind on the percentage of the cost of the amenities versus the number of units. This was why they were requiring the bonding start in phase 2. Mr. Roberts said the developer would still be required to provide standard bonding infrastructure. Commissioner Obray asked if the City Council had made any recommendation on landscaping on the two commercial parcels prior to development. Mr. Roberts didn't recall a decision being made and reported that landscaping would come as there was demand to build those parcels. Commissioner Obray noted there were no sidewalks along the commercial parcels. Mr. Roberts recalled there would be sidewalks; the developer would still be required to put in the commercial sidewalks. The roadways had to comply with Nibley City standards and sidewalks would be built.

Commissioner Logan moved to recommend approval of the Final Plat for Ridgeline Park Subdivision Phase 1, located at approximately 340 W 3200 S; applicant, Visionary Homes, with the following conditions: the City Engineer needs to provide final approval of the construction drawings prior to recording the plat, and the Park Development Agreement must be approved by the City Council. Commissioner Brown seconded the motion. The motion passed unanimously 5-0; with Commissioner Logan, Commissioner Brown, Commissioner Swenson, Commissioner Mansell, and Commissioner Obray all in favor.

Discussion and Consideration: Final Plat for Ridgeline Park Subdivision Phase 2, located at approximately 340 W 3200 S (Applicant: Visionary Homes)

Mr. Roberts utilized an electronic presentation entitled Nibley City Planning Commission, October 1, 2020 (a printed copy of this electronic presentation is included

in the printed meeting minutes and begins on slide 14). His presentation included the following topics: Ridgeline Park Phase 2 – Final Plat, Preliminary Plat, Final Plat and Recommendation.

Mr. Roberts said staff recommended approval of Ridgeline Park Phase 2 Final Plat with the following conditions: the City Engineer needs to provide final approval of the construction drawings prior to recording plat and the applicant needed to provide a \$149,180.72 bond to meet the open space amenities requirement.

Mr. Roberts and the Planning Commission discussed parking on Ropelatto Dr. and what additional parking had been provided to accommodate parking. Mr. Roberts reviews additional guest off-street parking. Commissioner Obray asked if there was a map of the park and was concerned when they moved the on-street parking from Ropelatto Dr. that the additional parking would move to the City park. Mr. Roberts said the park hadn't been designed. Mr. Roberts agreed that the number of parking units provided was adequate for current city ordinance.

Commissioner Swenson moved to recommend approval of the Final Plat for Ridgeline Park Subdivision Phase 2, located at approximately 340 W 3200 S; applicant, Visionary Homes, with the following conditions: the City Engineer needs to provide final approval of the construction drawings prior to recording plat and the applicant needed to provide a \$149,180.72 bond to meet the open space amenities requirement. Commissioner Mansell seconded the motion. The motion passed unanimously 5-0; with Commissioner Swenson, Commissioner Mansell, Commissioner Logan, Commissioner Obray, and Commissioner Brown all in favor.

Discussion and Consideration: Final Plat for Ridgeline Park Subdivision Phase 3, located at approximately 340 W 3200 S (Applicant: Visionary Homes)

Mr. Roberts utilized an electronic presentation entitled Nibley City Planning Commission, October 1, 2020 (a printed copy of this electronic presentation is included in the printed meeting minutes and begins on slide 19). His presentation included the following topics: Ridgeline Park Phase 3 – Final Plat, Preliminary Plat, Final Plat and Recommendation.

Mr. Roberts said staff recommended approval of Ridgeline Park Phase 2 Final Plat with the following conditions: the City Engineer needs to provide final approval of the construction drawings prior to recording plat and the applicant needed to provide a \$13,861.45 bond to meet the open space amenities requirement.

Commissioner Obray and Mr. Roberts discussed the placement and phasing of the City Center trail. Mr. Roberts described the approximate location of the trail and said this improvement would be made towards the end of phase 1. He said this would be a public trail that would access the City park.

Commissioner Mansell moved to recommend approval of the Final Plat for Ridgeline Park Subdivision Phase 3, located at approximately 340 W 3200 S; applicant, Visionary Homes, with the conditions as shown by staff: the City Engineer needs to provide final approval of the construction drawings prior to recording plat and the applicant needed to provide a \$13,861.45 bond to meet the open space amenities requirement. Commissioner Logan seconded the motion. The motion passed unanimously 5-0; with Commissioner Logan Mansell, Commissioner Logan, Commissioner Swenson, Commissioner Obray, and Commissioner Brown all in favor.

Public Hearing: To Receive Comment on Ordinance 20-20: An Ordinance Establishing a Time Limit and a Deposit Requirement to Install Landscaping for New Construction

Seeing no public comments, Commissioner Obray opened and closed the public hearing at 8:02 p.m.

Discussion and Consideration: Recommending Approval of Ordinance 20-20: An Ordinance Establishing a Time Limit and a Deposit to Install Landscaping for New Construction

Mr. Roberts utilized an electronic presentation entitled Nibley City Planning Commission, October 1, 2020 (a printed copy of this electronic presentation is included in the printed meeting minutes and begins on slide 24). His presentation included the following topics: Background and Recommendation.

Mr. Roberts said staff recommend approval of the Ordinance with the following findings: In order to effectively ensure compliance with landscaping requirements of Nibley City Code and Design Standards, a completion deadline and deposit is needed, the City Council should establish the deposit amount of \$1,000 for residential development and \$1,000 per acre for commercial/industrial development, in addition to the already established \$1,000 deposit for building site clean-up and damage repair.

Mr. Roberts said the attorney had recommended this amount not be put into code because the amount may change over time and the City Council would determine this amount and include the fee in Nibley City's Consolidated Fee Schedule.

Commissioner Mansell asked if this applied to only front yards. Mr. Roberts said this would apply to whatever was required at a particular location; 60% of the front yard or side yard needed to be landscaped. The park strip and trees were also required, and the ordinance might help alleviate issues the City was having with swales. Mr. Roberts described the different requirements for commercial versus residential landscaping. Commissioner Swenson suggested bonding for commercial properties. He asked if corner lots would also be considered. Mr. Roberts said this was addressed in NCC 19.24.170 and read the following:

“Yard Requirements For Residential Zones: At least sixty percent (60%) of the area contained within a required front or side yard adjacent to a street in any residential zone shall be landscaped.”

The Planning Commission discussed if \$1,000 was enough of an incentive to “hang over people’s heads.” Commissioner Swenson thought the deposit was a little low, but they could see what happened.

Commissioner Brown moved to recommend approval of Ordinance 20-20: Establishing a Time Limit and a Deposit to Install Landscaping for New Construction, with the following conditions: in order to effectively ensure compliance with landscaping requirements of Nibley City Code and Design Standards, a completion deadline and deposit is needed, the City Council should establish the deposit amount of \$1,000 for residential development and \$1,000 per acre for commercial/industrial development, in addition to the already established \$1,000 deposit for building site clean-up and damage repair. Commissioner Mansell seconded the motion. The motion passed unanimously 5-0; with Commissioner Brown, Commissioner Mansell, Commissioner Swenson, Commissioner Logan, and Commissioner Obray all in favor.

Commissioner Obray called for a meeting recess at 8:13 p.m. The meeting resumed at 8:18 p.m.

Presentation and Discussion: Parks and Recreation Advisory Committee

Chad Wright, Nibley City Recreation Director was present for this discussion. Recreation Committee members Stacy Wright and Cody Sorenson were also present.

Mr. Wright utilized an electronic presentation entitled *Parks and Recreation Advisory Committee & Friends Group Community Engagement*. (a printed copy of this electronic presentation is included in the printed meeting minutes). His presentation included the following topics: Committee Support of Staff, Committee Support of City Council, Friends of Parks and Recreation Group, Committee Intro, and Committee Members.

Mr. Sorenson took over the presentation and utilized an electronic presentation entitled *Nibley Parks and Recreation Advisory Committee Nov 5, 2020 Presentation*. (a printed copy of this electronic presentation is included in the printed meeting minutes). His presentation included the following topics: Priorities, Regional Park, Core Value Match, Demonstrated Interests in Recreation on Athletic Fields, Considerations Multi-Use Park, Centralized Athletic Fields City Standards, Location Considerations, Morgan Farms, Why It Is Important, Recommendations, Priority #3 - Trail System, Priority #4 – Indoor Multi-Use Facility, Priority #5 – Park Amenities that benefit the entire community, and Conclusion.

Commissioner Mansell asked Mr. Sorenson and Mrs. Wright to consider what could be done at the public park in the Mt. Vista subdivision.

Commissioner O Bray directed the committee to come up ideas to direct people to Nibley's existing parks

Workshop: Discuss potential allowance of commercial dog kennels in certain zones

Mr. Roberts said this was a request from a resident; to consider allowing the use. She operated the use at her home already. The resident called to ask if it was allowed and it was not allowed in Nibley City ordinance at that time. Mr. Roberts discussed the difficulties with noise, odor and the welfare of the animals to be taken into consideration. Commissioner Swenson asked if Nibley's two-dog limit was enforced. Mr. Roberts said enforcement was typically complaint based. He reported that Nibley staff member Jamie Gonzales was over dog licensing and was getting a handle on dog licensing. The general consensus was that the issue should not be discussed or pursued.

Staff Report and Action Items

Mr. Roberts said if any Planning Commissioners were interested in the Cache Summit, which was the following Thursday, they should contact him. Commissioner Swenson and Commissioner Brown said they were interested in this.

Commissioner O Bray congratulated Commissioner Brown on her run for Lt. Governor.

Commissioner Logan updated the Planning Commission on his health.

The meeting was adjourned at 9:12 p.m.

Attest: _____
Deputy City Recorder