

A Meeting of the Nibley Planning Commission held at Nibley City Hall, 455 West 3200 South, Nibley, Utah on Thursday, June 03, 2021.

The following actions were made during the meeting:

Commissioner Swenson moved to recommend approval for Ordinance 21-09: Rezone of Parcel 03-021-0003, located at 3105 S 700 W from I-Industrial to R-2A-Residential.

Commissioner Mansell seconded the motion. The motion passed unanimously 3-0; with Commissioner Brown, Commissioner Mansell, and Commissioner Swenson all in favor.

Commissioner Swenson moved to recommend approval for Ordinance 21-10: Addendum to the Development Agreement for Ridgeline Park Subdivision regarding water assessment requirements. Commissioner Mansell seconded the motion. The motion passed unanimously 3-0; with Commissioner Brown, Commissioner Mansell, and Commissioner Swenson all in favor.

Commissioner Swenson moved to recommend approval for Ordinance 21-11: amendment to 'Nibley City Code: 19.24.060 Accessory Buildings in Residential Zones' regarding setback standards for accessory buildings. Commissioner Mansell seconded the motion. The motion passed unanimously 3-0; with Commissioner Brown, Commissioner Mansell, and Commissioner Swenson all in favor.

Commissioner Mansell moved to recommend denial for Ordinance 21-12: amendment to 'Nibley City Code 21.02.130: Prohibition on Subdivision' regarding exceptions to prohibitions for City Council/Mayor to subdivide property. Commissioner Swenson seconded the motion. The motion passed unanimously 3-0; with Commissioner Brown, Commissioner Mansell, and Commissioner Swenson all in favor.

Commissioner Swenson moved to recommend approval for Ordinance 21-13: amendment to requirements related to Public Notice and Hearing Requirements. Commissioner Mansell seconded the motion. The motion passed unanimously 3-0; with Commissioner Brown, Commissioner Mansell, and Commissioner Swenson all in favor.

Planning Commission Vice Chair, Karina Brown called the Thursday, June 03, 2021 Planning Commission meeting to order at 6:32 p.m. Those in attendance included Commissioner Karina Brown, Commissioner Garrett Mansell and Commissioner Bret Swenson. Mr. Levi Roberts, Nibley City Planner was present. Jamie Ann Gonzales, Office Specialist was present to record the minutes.

Approval of the evening's agenda and 5-06-2021 meeting minutes

Commissioner Swenson moved to approve the evening's agenda and previous meeting minutes. Commissioner Mansell seconded the motion. The motion passed unanimously 3-0; with Commissioner Brown, Commissioner Mansell, and Commissioner Swenson all in favor.

1 **Public Hearing: to receive comment on Ordinance 21-09: Rezone of Parcel 03-021-0003,**
2 **located at 3105 S 700 W from I-Industrial to R-2A-Residential**

3 Applicants Derik and Jamie Page were present. Mr. Roberts utilized an electronic presentation
4 entitled *Rezone-3105 S 700 W* (a printed copy of this electronic presentation is included in the
5 printed meeting minutes). His presentation included *Background, Map of proposed rezone*
6 *area, General Plan Guidance, Future Land Use Map, Considerations and Staff Recommendation.*
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8 Applicant Derik Page said that the purpose of the rezone was to facilitate a small, three home
9 subdivision.
10

11 Commissioner Brown opened the public hearing at 6:41 p.m.
12

13 Seeing no public comment, Commissioner Brown closed the public hearing at 6:41 p.m.
14

15 **Discussion and Consideration: to make a recommendation for Ordinance 21-09: Rezone of**
16 **Parcel 03-021-0003, located at 3105 S 700 W from I-Industrial to R-2A-Residential**

17 Commissioner Mansell asked about the road access. Mr. Roberts said that the applicants would
18 need to extend the cul-de-sac, but from what they presented, it would not exceed the City limit
19 of 660 feet in length. Commissioner Swenson said the look of the subdivision was irrelevant to
20 him. He wanted to know if it could be viable in the future. Mr. Roberts confirmed that it could
21 be based on the concepts presented to staff. He said that it could potentially be up to a five-lot
22 subdivision. He added that the homes to the south were R-2 and many were nonconforming.
23 He thought the rezone would be consistent with the character of that area.
24

25 Commissioner Swenson moved to recommend approval for Ordinance 21-09: Rezone of Parcel
26 03-021-0003, located at 3105 S 700 W from I-Industrial to R-2A-Residential. Commissioner
27 Mansell seconded the motion. The motion passed unanimously 3-0; with Commissioner Brown,
28 Commissioner Mansell, and Commissioner Swenson all in favor.

29 **Public Hearing: to receive comment on Ordinance 21-10: Addendum to the Development**
30 **Agreement for Ridgeline Park Subdivision regarding water assessment requirements**

31 Applicant Ben Steele was present. Mr. Roberts utilized an electronic presentation entitled
32 *Ridgeline Park Water Agreement* (a printed copy of this electronic presentation is included in
33 the printed meeting minutes). His presentation included *Background and Staff*
34 *Recommendation.*
35

36 Commissioner Brown opened the public hearing at 6:53 p.m.
37

38 Seeing no public comment, Commissioner Brown closed the public hearing at 6:53 p.m.
39

40 **Discussion and Consideration: to make a recommendation for Ordinance 21-10: Addendum to**
41 **the Development Agreement for Ridgeline Park Subdivision regarding water assessment**
42 **requirements**

1 Commissioner Swenson said that he would have to rely on the judgment of City staff. Mr.
2 Roberts stated that he relied on the Public Works Director and City Engineer as it was in their
3 wheelhouse. He said they reviewed it thoroughly along with the previous engineer and they
4 agreed with the addendum. He added that although the methods that were originally applied
5 by the applicant were appropriate, they felt that it was more consistent with the City's practice
6 to follow more closely to the water master plan. He thought that in the future, the City would
7 probably consider changing how it was calculated for all subdivisions.

8
9 Commissioner Mansell asked how big the water reduction was. Mr. Steele talked about his
10 method of calculation. He said that the cost of the water rights was unresolved with the seller
11 and so in order that everybody could make plans, they wanted to calculate the whole project
12 rather than piecemeal it together. He appreciated all the time that City staff spent calculating
13 the project. Commissioner Mansell was concerned with giving up some of the water as he
14 referred to it as liquid gold. Mr. Roberts said he heard that the State's calculation was a lot
15 higher than it needed to be and eventually the City would be in a position to change the code to
16 be consistent with other methodologies. Commissioner Mansell inquired about the total
17 number of units. Mr. Steele added that even though the assessment was calculated for 498
18 units, there was not going to be that many. Commissioner Mansell was alright with the
19 calculation based on the 498.

20
21 Commissioner Swenson said his only concern would be that anytime you deviate from the code,
22 there could be some risk on the back end going forward with other developments. Mr. Roberts
23 said that staff realized it could be something that might have to be dealt with until the code
24 was changed. He explained the guidance that was given by the State and waiting to change the
25 code until they issued the rule.

26
27 Commissioner Swenson moved to recommend approval for Ordinance 21-10: Addendum to the
28 Development Agreement for Ridgeline Park Subdivision regarding water assessment
29 requirements. Commissioner Mansell seconded the motion. The motion passed unanimously 3-
30 0; with Commissioner Brown, Commissioner Mansell, and Commissioner Swenson all in favor.

31
32 **Public Hearing: to receive comment on Ordinance 21-11: amendment to 'Nibley City Code:**
33 **19.24.060 Accessory Buildings in Residential Zones' regarding setback standards for accessory**
34 **buildings**

35 Mr. Roberts utilized an electronic presentation entitled *Accessory Building setback*
36 *requirements* (a printed copy of this electronic presentation is included in the printed meeting
37 minutes). His presentation included *Background and Staff Recommendation*. He mentioned
38 Commissioner Obray's recommendation, however he thought that for readability and
39 simplicity, it would be better to say a 10-foot setback on anything over 20-feet and would only
40 apply on lots that were .75 acres.

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42 Commissioner Brown opened the public hearing at 7:07 p.m.

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44 Seeing no public comment, Commissioner Brown closed the public hearing at 7:08 p.m.

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2 **Discussion and Consideration: to make a recommendation for Ordinance 21-11: amendment**
3 **to 'Nibley City Code: 19.24.060 Accessory Buildings in Residential Zones' regarding setback**
4 **standards for accessory buildings**
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6 Commissioner Swenson moved to recommend approval for Ordinance 21-11: amendment to
7 'Nibley City Code: 19.24.060 Accessory Buildings in Residential Zones' regarding setback
8 standards for accessory buildings. Commissioner Mansell seconded the motion. Commissioner
9 Mansell and Commissioner Brown liked the clarification. The motion passed unanimously 3-0;
10 with Commissioner Brown, Commissioner Mansell, and Commissioner Swenson all in favor.
11

12 **Public Hearing: to receive comment on Ordinance 21-12: amendment to 'Nibley City Code**
13 **21.02.130: Prohibition on Subdivision' regarding exceptions to prohibitions for City**
14 **Council/Mayor to subdivide property**

15 Mr. Roberts utilized an electronic presentation entitled *Prohibition on Subdivision* (a printed
16 copy of this electronic presentation is included in the printed meeting minutes). His
17 presentation included *Background and Update on Process*. Mr. Roberts pointed out that the last
18 time this was discussed, it was determined that it would not be considered further. He said that
19 the applicant, Mayor Dustin pushed back and there was a provision in the ordinance that said it
20 needed to be heard and voted on by the Planning Commission. Mr. Roberts explained that per
21 City code, if the Commission did not act on it within thirty (30) days, it would be considered a
22 positive recommendation. However, according to State code it would be a negative
23 recommendation and the one that the City would recognize. He disclosed that it was put back
24 on the agenda with Commissioner Obray's recommendation, but felt that going forward, it
25 could put a strain on staff and Planning Commission resources. It was recommended by the City
26 Attorney to have an informal hearing process in place. Staff did not have a recommendation.
27

28 Commissioner Brown opened the public hearing at 7:13 p.m.
29

30 **Erick Christiansen – 3007 S 1000 W** submitted comment by email and read as follows:

31 *To the Nibley City Planning Commission,*

32 *I would like to make it known that I am opposed to changing the ordinance for prohibition of*
33 *subdivisions for the Mayor and City Council. While there could be loads said about the initial*
34 *approval of the Mayor's Apple Creek subdivision, I believe continuing to allow concessions on it*
35 *by changing the ordinance specifically for the Mayor would defeat some of the purpose the*
36 *ordinance was intended for, namely, so city staff can look at subdivisions objectively, and not be*
37 *put in a compromising position of having to choose between satisfying the subdivision ordinance*
38 *requirements or angering their boss. I believe completely that any current or future elected*
39 *official should not be associated with the creation of subdivisions for their personal use or*
40 *gain, no matter how small. No matter who it may be, if they want to be a developer in the city,*
41 *then they should not hold office. I believe if Mayor Dustin wishes to have his lot split he should*
42 *finish out his term and then not run again, or resign if he wishes to have it considered earlier.*
43 *Let's just put this one away. The ordinance is fine as it is.*

1 Commissioner Brown closed the public hearing at 7:15 p.m.

2 **Discussion and Consideration: to make a recommendation for Ordinance 21-12: amendment**
3 **to 'Nibley City Code 21.02.130: Prohibition on Subdivision' regarding exceptions to**
4 **prohibitions for City Council/Mayor to subdivide property**

5 Commissioner Mansell thought Eric Christiansen made a good point and did not know where
6 you draw the line. He did not feel that it should be changed.

7
8 Commissioner Mansell moved to recommend denial for Ordinance 21-12: amendment to
9 'Nibley City Code 21.02.130: Prohibition on Subdivision' regarding exceptions to prohibitions for
10 City Council/Mayor to subdivide property. Commissioner Swenson seconded the motion. The
11 motion passed unanimously 3-0; with Commissioner Brown, Commissioner Mansell, and
12 Commissioner Swenson all in favor.

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14 **Public Hearing: to receive comment on Ordinance 21-13: amendment to requirements related**
15 **to Public Notice and Hearing Requirements**

16 Mr. Roberts utilized an electronic presentation entitled *Public Hearing Requirements* (a printed
17 copy of this electronic presentation is included in the printed meeting minutes). His
18 presentation included *Background and Staff Recommendation*. He said that one of the goals for
19 2021 was to have more effective, public engagement. And felt that the public engagement for
20 the Mixed Residential Housing Ordinance was in a lot of ways more productive than just
21 holding a public hearing.

22
23 Commissioner Swenson asked about the process for public noticing. Mr. Roberts explained and
24 included that it was now based on population size and needed to be posted in four locations.
25 Commissioner Swenson asked if there was consideration to send out notices via text messaging,
26 which he felt was the most efficient. Mr. Roberts replied that it could be considered but
27 pointed out that the previous City Manager was cautious in overusing the system as its main
28 use was for emergencies. Commissioner Swenson said that newspaper noticing was archaic in
29 many ways.

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31 Commissioner Brown opened the public hearing at 7:25 p.m.

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33 Seeing no public comment, Commissioner Brown closed the public hearing at 7:25 p.m.

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35 **Discussion and Consideration: to make a recommendation for Ordinance 21-13: amendment**
36 **to requirements related to Public Notice and Hearing Requirements**

37 Commissioner Mansell said that the biggest complaint he heard regarding public hearings for
38 subdivisions, was that people did not know about it. He wanted to see more public awareness
39 for ordinances and thought that texting was one of the best ways. The Planning Commission
40 discussed it. There was general consent on staff using discretion on when to notice. Mr. Roberts
41 discussed the changes to the code. Commissioner Brown thought the public would trust the
42 City more if there was increased transparency and communication. Mr. Roberts pointed out the

1 updated draft that incorporated comments from the City Attorney and his suggestion to keep a
2 chart in the code that designated who the land use authority was for specific items.

3 Commissioner Swenson moved to recommend approval for Ordinance 21-13: amendment to
4 requirements related to Public Notice and Hearing Requirements. Commissioner Mansell
5 seconded the motion. The motion passed unanimously 3-0; with Commissioner Brown,
6 Commissioner Mansell, and Commissioner Swenson all in favor.

7 8 **Workshop: Animal Land Use Regulations for provisions related to miniature pigs**

9 Applicant Nicki Ochsenbein was present on Zoom. Commissioner Swenson suggested pushing
10 the two (2) workshop items on the agenda to next meeting where more Commissioners would
11 be present. Vice Chair, Commissioner Brown allowed Mrs. Ochsenbein's comments to be heard.
12 Mrs. Ochsenbein spoke about her request to allow miniature pigs in Nibley. Mr. Roberts
13 displayed an image of a miniature pig next to a hog. Mrs. Ochsenbein talked about the size of
14 her two (2) pigs and their characteristics, which differed from farm hogs. Mr. Roberts explained
15 next steps in the consideration process.

16
17 Commissioner Mansell asked if it would be added to the Animal Land Use Regulations charts.
18 The Planning Commission discussed it. Commissioner Swenson asked if dogs and cats were
19 addressed on that chart. Mr. Roberts explained how they were addressed in the code.
20 Commissioner Swenson thought that miniature pigs could be addressed in the same manner.
21 Mrs. Ochsenbein explained how potbelly or miniature pigs were considered pets and not
22 livestock. She answered Commissioner Swenson's question regarding the noises and habits of
23 her pigs. Commissioner Swenson raised concerns about other owners living on small lots who
24 might not be as diligent as Mrs. Ochsenbein. Mrs. Ochsenbein made a similar comparison to
25 dogs as pets. Per Commissioner Mansell's question, Mr. Roberts referred to *NCC 19.34.030*
26 *Residential Lots Less Than Twelve Thousand Square Feet and 19.34.040 Residential Lots Greater*
27 *Than Or Equal To Twelve Thousand Square Feet And Less Than 0.75 Acre*. Commissioner Brown
28 said she was open to allowing miniature pigs. Commissioner Swenson was concerned about
29 where to draw the line with different species. Commissioner Mansell thought it was alright if it
30 was not a danger to the public. Mr. Roberts said it would need to be well defined. Mrs.
31 Ochsenbein reiterated how good her pigs were. Commissioner Swenson said he would be in
32 favor of Mr. Roberts researching it further along with other city ordinances and having another
33 workshop. Mr. Ochsenbein introduced himself on Zoom and suggested submitting video clips of
34 their pigs to show how quiet they were compared to dogs. Mrs. Ochsenbein informed the
35 Commission of their Instagram page Rowan and Baylor the mini pigs.

36 37 **Workshop: Open Space Plan Review**

38 This workshop was continued to next meeting.

39 40 **Staff Report and Action Items**

41 Mr. Roberts reported that an application was resubmitted for Nibley Meadows preliminary plat.
42 He confirmed that the next meeting was on July 1st. He announced that there were many other
43 changes to the State code that would be moving forward.

1 Commissioner Brown adjourned the meeting at 7:57 p.m.

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Attest: _____

Office Specialist

Draft Minutes