
**City of Nibley
Planning Commission
Held at Nibley City Hall
455 West 3200 South
Nibley, UT 84321
Thursday May 5, 2022**

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

Meeting called to order at 6:30 p.m.

Present: Commission Chair Bret Swenson, Commissioner Garrett Mansell, Commissioner Matt Logan, and Alternate Commissioner Erin Mann

Absent: Commission Vice Chair, Tyler Obray and Commissioner Karina Brown

Staff Present: City Planner Levi Roberts and Assistant Recorder Jamie Ann Gonzales

Guests Present: Mayor Larry Jacobsen

Applicants: Bruce Rigby and Emily Woods

There was general consent for the evening's agenda.

Action: Recommend approval of April 14, 2022, meeting minutes

Motion: Commissioner Logan

Second: Commissioner Mansell

Vote: Unanimous

Discussion and Consideration: Rigby Subdivision Amendment 3- Minor Subdivision (Applicant: Bruce Rigby)

Mr. Roberts utilized an electronic presentation entitled *Rigby Amendment 3- Minor Subdivision* (a printed copy of the presentation is included in the printed, record copy of the meeting minutes). His presentation included *Background, Image of Plat* and *Staff Recommendation*.

Commissioner Mansell disclosed that he was the title researcher on the property. He received confirmation regarding other trees along 250 W.

The applicant asked to approach the Commission. He questioned the groundwater report. Mr. Roberts explained it and confirmed the finished floor elevation requirement noted on the plat. Mr. Rigby also addressed the street tree requirement in the ordinance and watering concerns.

He asked for consideration to put the street trees in when Lot 7 was sold. Mr. Roberts spoke to the requirement in the subdivision ordinance for all new subdivisions. He said that instead of drafting a new development agreement just to address trees, staff opted to require a street tree planting plan that met the ordinance. He added that there was no exception in the ordinance that staff could make. Rather than an exception, the applicant wanted to know if he could submit a plan that would allow them to put in the trees when the home was built.

Commissioner Swenson asked if this triggered the tree requirement for the entire subdivision. Mr. Roberts felt that it did because lots were added along 250 W which impacted that whole area.

Commissioner Mansell thought the applicant had a valid concern and wanted to know if they could impose an effective date based on when the house was built. Mr. Roberts informed the Commission that the City Engineer recommended against it. He explained that the building inspector could not withhold occupancy based on landscaping. He added that the timing was tricky, and it would become a code enforcement issue as really the only way to ensure the requirement.

Commissioner Swenson noted that this would be covered in the landscape ordinance which has not been created yet. He expressed that he did not think that the Commission had the authority to not follow the code.

Mr. Rigby reiterated his request to submit the plan, with the addition that the trees would be planted when the building permit was pulled, or a house built. He added that trees could be an obstruction from traffic view onto 250 W.

Commissioner Mann thought it made sense and wanted to know if it was within the power of the Planning Commission to make a stipulation regarding the timing of the trees. Mr. Roberts thought they could if they were comfortable making a specific recommendation. He stated that the timing for planting of trees was not clear in the ordinance, and it was typically tied to the subdivision. However, he saw the rationale behind it given that there were no other improvements.

Commissioner Swenson indicated that one of the problems was that a home might never be built or could be years down the road. Mr. Roberts agreed that it was more difficult to track and part of the reason for just requiring it with the subdivision. Commissioner Logan inquired about putting a time stipulation into the requirement. Mr. Roberts gave confirmation. Commissioner Swenson asked about a deposit or repayment for the trees. Mr. Roberts replied that there were issues in the past and the city was trying to get away from it, but it could be something that would have to be tracked. He gave a recommendation on motion verbiage.

Action: Approval of Rigby Subdivision Amendment 3- Minor Subdivision with staff recommendations and the condition that the street trees are planted within one year of the issuance of the building permit or two years, whichever comes first.

Motion: Commissioner Mansell

Mr. Rigby interjected with *adding the portion of the lot that was tied to 250 W* and gave an explanation. Mr. Roberts and Mr. Rigby debated on the buildable lots.

Second: Commissioner Logan

Commissioner Logan observed that Lot 5 already had a house and was built and questioned if it should have trees along 250 W. Mr. Rigby argued that it accessed the private lane and not 250 W. Mr. Roberts declared that it was still part of the subdivision and it pertained to the frontage of a public street and therefore according to the standards, street trees should be required for all the lots which would cover the frontage of 250 W. Commissioner Mann clarified that the action pertained to all the lots.

Vote: Unanimous

Discussion and Consideration: Conditional Use Permit for Pawsitively Divine Dog Grooming Service (Applicant: Emily Woods)

Mr. Roberts utilized an electronic presentation entitled *Pawsitively Divine CUP* (a printed copy of the presentation is included in the printed, record copy of the meeting minutes). His presentation included *Background* and *Staff Recommendation*.

Commissioner Logan commented that the name of the business was “awesome”.

Commissioner Mann received clarification on approval for a Conditional Use Permit for the business to be in Heritage Animal Hospital.

Action: Approval of Conditional Use Permit for Pawsitively Divine Dog Grooming Service located in the Heritage Animal Hospital (Applicant: Emily Woods) with staff recommendation.

Motion: Commissioner Logan

Second: Commissioner Mann

Vote: Unanimous

Staff Report and Action Items

Mr. Roberts reported on the following:

- TDR (Transfer of Development Rights) update
- Cache County Development Services meeting
- Dustin Hansen rezone approval
- Wesley Nelson PUD ordinance change denial
- Pet services added to Land Use Chart
- Logan Coach rezone

- National Planning Conference in San Diego
- Grant for 800 W trail
- Ridgeline Park grant and concept plan

Meeting adjourned at 7:21 p.m.

ATTEST:

Jamie Ann Gonzales, Assistant Recorder