



Nibley City
Planning Commission Meeting
Thursday, December 21, 2023
Nibley City Hall
455 W. 3200 S.
Nibley, UT

6:30 p.m. Call to Order and Roll Call
 Approval of Agenda
 Approval of Minutes

In accordance with Utah Code Annotated 52-4-207 and Nibley City Resolution 12-04, this meeting may be conducted electronically. The anchor location for the meeting will be Nibley City Hall, 455 West 3200 South, Nibley, Utah. The public may participate in the meeting either in person or electronically via the meeting link provided at www.nibleycity.com.

1. **Workshop:** Accessory Dwelling Unit Ordinance Review
2. **Workshop:** Zoning Incentives for Moderate Income Housing
3. **Discussion & Consideration:** Adoption of Planning Commission Meeting Schedule for 2024
4. Staff Report and Action Items

*Planning Commission agenda items may be tabled or continued if 1) Additional information is needed in order to take action on the item, OR 2) The Planning Commission feels there are unresolved issues that may need further attention before the Commission is ready to make a motion. **No agenda item will begin after 10:00 p.m. without a unanimous vote of the Commission.** The Commission may carry over agenda items, scheduled late in the evening and not heard, to the next regularly scheduled meeting.*

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, REASONABLE ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES WILL BE PROVIDED UPON REQUEST. FOR ASSISTANCE, PLEASE CALL 752-0431 A MINIMUM OF 24 HOURS BEFORE THE MEETING.



**Nibley City Planning
Commission
Agenda Item Report
December 21, 2023**

Agenda Item #1 – ADU Ordinance Review

Description

Workshop: Accessory Dwelling Unit Ordinance Review

Department

City Planning

Action Type

Legislative

Recommendation

Discuss potential adjustments to ADU Ordinance

Reviewed By

City Planner

Background

The purpose of this workshop is to discuss potential amendments to the ADU ordinance that may encourage increased provision of ADUs. Strategy 1 of the Nibley City Moderate Income Housing Plan is to ‘Create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones.’ Specific Action items for this strategy include the following:

- *Track number of ADUs that are built (ongoing)*
- *Research barriers to building ADUs (Late 2023)*
- *Consider amendments to ADU ordinance based upon research findings (Early 2024)*

In December 2020, Nibley City adopted an Accessory Dwelling Unit Ordinance, which allows external ADUs throughout Nibley City. Internal or attached ADUs are also permitted, but considered ‘two-family housing’ and regulated as such. Since the adoption of this ordinance, there have been five (5) permitted external ADUs and nine (9) internal or attached ADUs. The adopted ordinance has been reviewed and adjusted over time. Restrictions within the ordinance and other factors remain potential barriers to building ADUs.

Specific restrictions within the ordinance that the City may consider reviewing which may limit the provision of new ADUs include the following:

- (D)(2) Owner Occupation. The property shall be owner occupied except for bona fide temporary absences.
- (D)(5) Parking: Off-street parking for two vehicles, shall be provided for use by the tenants of the accessory dwelling unit. This parking shall be provided in addition to the required parking for the primary dwelling unit and shall not obstruct access to the parking of the primary dwelling unit and shall be located behind the front plane of the primary dwelling. Parking surfaces shall be constructed of a hard surface, such as concrete or asphalt, or gravel.
- (D)(6) One Accessory Dwelling Unit: Only one accessory dwelling unit shall be allowed for each single-family dwelling. Accessory dwelling units are not allowed on lots that contain a two-family dwelling.
- (D)(9) Installation of separate water and sewer meters for accessory dwelling units shall be prohibited.
- (D)(11) Impact Fees: Accessory dwelling units shall be subject to impact fees as set forth in the latest associated Impact Fee Ordinance adjustment.
 - a. Owners may petition the City for a rebate of impact fees for accessory dwelling units which provide rent that is considered affordable, as described below. The maximum rebate amount shall be set at 33 1/3% annually of the total collected impact fee for a period of three (3) years. City Staff shall determine if documentation of rent collected is acceptable. If documentation is not provided within 30 days of each anniversary of the issuance of the certificate of occupancy, the rebate shall be forfeited for that year. The rebate shall be non-transferrable.
 - 1) The unit’s rent is considered affordable to a household of four (4) earning 50% of the area median income of the Logan, UT-ID Metropolitan Statistical Area (MSA), according to income limits set by the US Department of Housing and Urban Development (HUD) for a period of three (3) years.

The rent limit shall be set using the following calculation: HUD annual 4-person 50% AMI Income Limit * 0.3 (30 %) – \$150 (for utility expenses)

- (E)(1) Accessory dwelling units shall have the following requirements:

- a. Shall have the minimum floor area of 300 sq. ft. and a maximum floor area of 1,200 sq. ft.
- b. Detached accessory dwelling units shall follow the sizing and setback requirements for other accessory buildings as listed in NCC 19.24. For new one-story detached accessory dwelling unit structures, a minimum rear and side setback of 10 feet is required. For new two-story detached accessory dwelling unit structures, a minimum rear yard setback of 20 feet and side yard setback of 10 feet is required.
- c. Detached accessory dwelling units shall not be permitted on lots smaller than 12,000 sq. ft.
- d. The total square footage of all detached accessory dwelling units shall not occupy more than twenty five percent (25%) of the rear yard.
- e. Detached accessory dwelling units shall be limited to two stories and shall not exceed the height of the primary single-family dwelling.

Each of the provisions noted above were enacted to abate potential impacts of an ADU. However, the Planning Commission may consider amending or lifting such requirements that are overly restrictive and create barriers to increasing the supply of affordable housing within the City. In particular, the following adjustments may be considered.

1. Remove owner occupation requirement. The purpose of this provision is to ensure onsite management. However, there currently is no requirement for owner occupation in other housing within the City. Removing this provision will allow for landlords who currently own a single-family home to build an ADU on investment properties, thus potentially increasing the supply of affordable rental housing.
2. Decrease the off-street parking requirement to one vehicle. Currently, the State does not allow more than one additional required parking stall for internal ADUs. Although more required parking is allowed for external ADUs, there is no evidence to suggest that an external ADU demands more parking than internal ADUs.
3. Allow for up to two ADUs or allow an ADU on lots with a two-family dwelling. Some lots may be suitable for an additional ADU with enough space.
4. Remove restriction on installation of separate water/sewer meters. Some landlords may prefer to install a separate water meter, so that utilities will be separated for the occupants of the ADU.
5. Match setback requirements with those of other accessory buildings. Particularly on smaller lots, setbacks become a limiting factor and the existing setback requirements may deter some potential landowners to build an ADU.
6. Decrease the minimum lot size for an ADU. Many lots within Nibley are less than 12,000 sq. ft. A lot as small as 8,000 sq. ft. may fit a modest ADU in the rear yard.
7. Lift the regulation on ADUs being limited to be no taller than the primary dwelling. This has proved to be a limiting factor for landowners wishing to build an ADU above a detached garage or those wishing to build a two-story ADU. Instead, the Planning Commission may consider making the height restriction for ADUs the same as those for other accessory buildings.

In addition to those noted above, the Planning Commission may consider recommending lifting impact fees for ADUs in accordance with Strategy 2 of the moderate-income housing plan, rather than the current provision that allows for a rebate with the provision of low-income housing. However, this provision was recently (March 2023) reviewed by City Council, who ultimately decided to retain the impact fee at the rate of a multi-family dwelling, but allow for the rebate after 3 years (rather than 5).

Other barriers to building an ADU remain and may be outside of the City's influence, such as the following.

- Lack of desire or education for homeowners to become a landlord.
- Limited lending opportunities for ADUs.
- Desire for privacy within occupied single-family lots.

Agenda Item #2 – Zoning Incentives for Moderate Income Housing

Description

Workshop: Zoning Incentives for Moderate Income Housing

Department

City Planning

Action Type

Legislative

Recommendation

Discuss potential amendments to Land Use Ordinance

Reviewed By

City Planner

Background

The purpose of this workshop is to discuss potential amendments to the Land Use Ordinance that would incentivize the provision of moderate-income housing. Strategy 5 of the Nibley City Moderate-income housing plan is to ‘implement zoning incentives for moderate income units in new developments.’ The plan points out that “although the City has made significant progress in rezoning for densities that allow the opportunity for the development of market rate housing which is affordable to moderate-income households, the housing market has vastly outpaced the growth in incomes. Therefore, it is becoming increasingly difficult to provide affordable market-rate housing. The City should consider incentivizing providing deed-restricted housing which is affordable to low and moderate-income households with new developments.” Specific Measures and Benchmarks for this Strategy include:

- *Study appropriate density bonus and incentive threshold to apply to the R-PUD zone or other zones within Nibley City. (Early 2024)*
- *Draft Ordinance with zoning incentives for moderate income units based upon findings of analysis for consideration (Late 2024)*

In order to inform this consideration, Staff researched existing ordinances using the Utah Chapter of the American Planning Association listserv. The following is a summary of those examples.

Uintah County

- Allows 10% density bonus for provision of at least 10% of moderate-income housing within any development within an urban area.
- Moderate-income housing defined as 80% or less.
- Housing must be permanently affordable through deed restriction, community land trust, limited equity cooperative or other method approved by land use authority.
- Link to ordinance: [Chapter 16.14 - GENERAL REQUIREMENTS FOR ALL SUBDIVISIONS | Code of Ordinances | Uintah County, UT | Municode Library](#)

Hurricane City

- Allows an additional 2 units/acre (base density 15 units/acre) in planned developments when 10% of units are affordable to moderate-income households.
- Moderate-income housing defined as 80% or less.
- Requires deed restriction for at least 25 years for the affordable units.
- Staff member noted one project which used this incentive.
- Link to ordinance: [CHAPTER 15. - COMMERCIAL ZONES | Code of Ordinances | Hurricane, UT | Municode Library](#)

Heber City

- Requires that 10% of development is affordable for developments that contain 10 or more units and requires a rezone, any mixed-use development, any development that allows for density bonus, or as a voluntary option for other developments.
- Allows decrease in setbacks, building permit fee, lot width, lot area, height and open space.

- Allows for fee-in-lieu to be paid toward housing authority or other alternatives of equal value.
- Requires development agreement with detailed provisions to spell out allowances and requirements.
- Link to ordinance: [https://heber.municipalcodeonline.com/book?type=planzone#name=18.102_Affordable Housing](https://heber.municipalcodeonline.com/book?type=planzone#name=18.102_Affordable_Housing)

Las Vegas, NV

- Allows density bonus in almost all zones of 3-10 units/acre if 10% of units are affordable.
- Allows additional height depending on the percentage of affordable housing provided.
- Waives development fees for projects that have a high percentage of very-low income units
- Requires that affordable housing status remain for at least 30 years.
- Design of affordable units must be similar to other units and be clustered throughout the development.
- Link to ordinance: <https://online.encodeplus.com/regs/lasvegas-nv/doc-viewer.aspx#secid-2722>

The Planning Commission may consider provisions incorporated into the aforementioned ordinances or others, as appropriate, and direct Staff to potential Nibley City code changes to consider.

Agenda Item #3 – 2024 Meeting Schedule

Description

Discussion & Consideration: Adoption of Planning Commission Meeting Schedule for 2024

Department

City Planning

Recommendation

Adopt proposed Planning Commission Meeting Schedule for 2024

Reviewed By

City Planner

Background

The following is the proposed 2024 meeting schedule for Planning Commission. The City Council adopted an adjusted schedule with meetings generally every 3 weeks (rather than twice/month). Staff is recommending to follow City Council's schedule, with approximately equal meetings, which occur 1 or 2 weeks ahead of a Council meeting. The following meeting dates for 2024 are proposed:

Meeting Date
January 18, 2024
February 8, 2024
February 29, 2024
March 21, 2024
April 25, 2024
May 9, 2024
May 30, 2024
June 27, 2024
July 18, 2024
August 8, 2024
August 29, 2024
September 19, 2024
October 17, 2024
November 7, 2024
December 12, 2024

THE 2024 NIBLEY CITY PLANNING COMMISSION MEETING SCHEDULE

The Open and Public Meetings Act, in section 52-4-202 (2) of the Utah Code, requires that a public body, which holds regular meetings that are scheduled in advance over the course of a year, shall give public notice at least once each year of its annual meeting schedule.

Adopting an annual meeting schedule can make it easier for citizens to be involved in civic affairs by making them aware of normal Planning Commission meeting times.

Regular meetings for the Nibley City Planning Commission shall be held according to the dates and times listed on the attached schedule at Nibley City Hall, which is located at 455 West 3200 South in Nibley.:

The Planning Commission may also convene special or emergency meetings pursuant to the provisions of the Open and Public Meetings Act.

The Planning Commission may also alter the scheduled below by canceling or changing dates, time, or location of a meeting. Any changes shall be properly noticed as required by the Utah Open and Public Meetings Act.

The following is adopted as the 2024 Nibley City Planning Commission meeting schedule.

The meeting dates below all fall on a Thursday and the normal meeting start time is 6:30 p.m.

Meeting Date
January 18, 2024
February 8, 2024
February 29, 2024
March 21, 2024
April 25, 2024
May 9, 2024
May 30, 2024
June 27, 2024
July 18, 2024
August 8, 2024
August 29, 2024
September 19, 2024
October 17, 2024
November 7, 2024
December 12, 2024

There may be circumstances that arise which may cause a meeting to be cancelled or for a special or emergency meeting to be scheduled, pursuant to the provisions of the Open and Public

Meetings Act. Notification will be made as soon as reasonably possible in the event of a cancellation or special/emergency meeting.