

The Meeting of the Nibley Planning and Zoning Commission held at Nibley City Hall, 455 West 3200 South, Nibley, Utah on Thursday, January 17, 2019.

The following actions were made during the meeting:

Commissioner Obray moved to approve the Blake Smith Minor Subdivision Flag Lot Application, located at 3580 S 250 W; applicants Blake and Katrina Smith. Commissioner Albrect seconded the motion. The motion passed unanimously 5-0; with Commissioner Obray, Commissioner Albrect, Commissioner Swenson, Commissioner Mansell, and Commissioner Logan all in favor.

Commissioner Swenson moved to continue discussion and consideration of the Blake Smith Minor Subdivision, located at 3580 S 250 W; applicants Blake and Katrina Smith until a future date. Commissioner Albrect seconded the motion. The motion passed unanimously 5-0; with Commissioner Swenson, Commissioner Albrect, Commissioner Mansell, Commissioner Logan, and Commissioner Obray all in favor.

Planning and Zoning Commission Chair Garrett Mansell called the Thursday, January 17, 2019 Planning and Zoning Commission meeting to order at 6:09 p.m. Those in attendance included Commissioner Garrett Mansell, Commissioner Carol Albrect, Commissioner Matt Logan, and Commissioner Bret Swenson. Mr. Stephen Nelson, Nibley City Planner, was also present.

Approval of 1-10-19 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.

Swearing in ceremony for Bret Swenson, recently appointed by the City Council for the Planning Commission Term February 2019—January 2024

Mr. Nelson said Commissioner Swenson's term ended in the current month but Mayor Dustin and the City Council had chosen to reappoint Commissioner Swenson. Commissioner Swenson had been appointed to serve from February 2019 to January 2024.

Deputy Recorder, Cheryl Bodily, asked Mr. Swenson to raise his right hand repeat the following:

"I, Bret Swenson, having been appointed
by the Nibley City Council on January 3, 2019 to the
Nibley City
Planning Commission
Do solemnly swear that I will support, obey and defend
The Constitution of the United States and

The Constitution of this State, and
That I will discharge the duties of my office with fidelity.”

**Discussion and Consideration of the Blake Smith Minor Subdivision Flag Lot
Application located at 3580 S 250 W (Applicants Blake and Katrina Smith)**

Mr. Nelson gave this presentation. Mr. Nelson described the location of the proposed minor subdivision. Mr. Nelson reviewed that in September of 2018, the City Council adopted Nibley City code 19.46 Flag Lots with a positive commendation from the Planning Commission. This new code allowed for a higher degree of control over the flag lots process. The code also allowed for the limited creation of flag lots as part of the subdivision process. The Planning Commission is designated as the land use authority in this Nibley City code. Mr. Nelson said there was a list of criteria that must be met before a flag lot may be approved. Mr. Nelson reviewed the criteria from Nibley City code 19.46.010 (B.4.a.-i):

- a. Shall only be allowed for single-family detached units located in residential zones.*
- b. Shall be created as part of a legal submission arising from an application under NCC 21.*
- c. Flag lots shall only be allowed as part of a legal subdivision of three lots or less.*
- d. Flag lot creation shall only be allowed in a subdivision where the parcel that is being subdivided is limited for future development by its overall size, frontage, severe topography, and land use in the adjacent parcels.*
- e. The creation of a flag lot shall be limited within each new development. A subdivision that can reasonably supply frontage for each lot shall not be granted the creation of a new flag lot.*
- f. New flag lots shall not have access off arterial streets or roadways as listed in Nibley City’s General and Master Plans.*
- g. The creation of a flag lot shall not be approved in places where they would prohibit future public infrastructure connections as contained in the City’s General and Master Plans, including public roads, trails waterlines, sewer lines, stormwater facilities, etc.*
- h. The flag lot owner owns and is responsible to maintain the stem portion of the flag lot as defined above.*
- i. The flag lot must comply with all other conditions and requirements as listed in this chapter and within Nibley City ordinances.*

Mr. Nelson said staff and the Nibley City attorney had found that the Smith application met the criteria listed in Nibley City code 19.46.010. Mr. Nelson reviewed how the application met all criteria of subsections a. through i. Mr. Nelson said staff felt the subdivision application met the flag lot ordinance to be granted a flag lot. However, the

application created two flag lots that was addressed from Nibley City code 19.46.010 (B.-11.) Mr. Nelson read this code:

“Approved flag lot accesses shall be for single lot access. The Planning Commission may consider at most a second access off the stem, if both flag lot owners have entered into a formal maintenance agreement over the access road. Two-lot access roads are not required to meet the private road access standards in NCC 21.14.050. Both flag lots must be connected to Nibley City’s required utilities including sewer. Each lot must have their own utility lines that meet Nibley City Design Standards.”

Mr. Nelson said the applicant would have to enter in to a formal agreement or CCNRs before the plat can be recorded.

Commissioner Obray arrived at 6:19 p.m.

Mr. Nelson said the application had been sent to the fire marshal. The fire marshal reviewed the plat and approved it. He said all aspects of the flag lots, turnaround, fire hydrants, and access met fire code. He hadn’t expressed any concerns with the approval of the application. Mr. Nelson said there were a couple small engineering items that would need to take place before the subdivision could be approved.

Commissioner Logan questioned the width of the road accessing the flag lot. Mr. Nelson showed that the stem would be 30’ wide. Mr. Nelson described the options the applicant had for asphalt and swales on the stem road access. Commissioner Swenson asked if the City would require the swales be tested for percolation rate? Mr. Nelson said the capacity to hold the water met Nibley’s current standards so the engineer didn’t feel they needed percolation rates. Commissioner Albrect asked about signage. Mr. Nelson said code had been changed to require the City install signage with the applicant paying for the signage. They applicant would pay for the signs during the building permit process. Commissioner Obray asked if everything on the application was compliant with Nibley City code? Mr. Nelson agreed that everything was in compliance with Nibley City’s Flag Lot ordinance.

Commissioner Obray moved to approve the Blake Smith Minor Subdivision Flag Lot Application, located at 3580 S 250 W; applicants Blake and Katrina Smith. Commissioner Albrect seconded the motion. The motion passed unanimously 5-0; with Commissioner Obray, Commissioner Albrect, Commissioner Swenson, Commissioner Mansell, and Commissioner Logan all in favor.

Discussion and Consideration of the Blake Smith Minor Subdivision, located at 3580 S 250 W (Applicants Blake and Katrina Smith)

Mr. Nelson said there were two issues with the subdivision application that were being addressed: there was supposed to be an easement dedicated to the city for utility

access and wording for the access needed to be clarified on the plat; and the applicant's connection to the sewer system were currently planned to be six inch lines from the back homes and would require a manhole. The applicants would have to bond for the manhole with the cost estimate included in the development agreement.

Mr. Nelson said the applicant was filing for a minor subdivision. He described that the minor subdivision was a simplified and quicker process for a subdivision that had low impact found in Nibley City code 21.08.040. Mr. Nelson said the Minor Subdivision code required there be five lots or less and there would be no dedicated property to the City because the infrastructure have already been built to standards. Because the applicants qualified for a minor subdivision they didn't have to go through the normal application process for approval. It was simplified and made the Planning Commission the land use authority and the Planning Commission would have to approve the development agreement.

Mr. Nelson staff's recommendation was that the plat met the minor subdivision standards but there were a couple loose ends that needed to be tied up so the Planning Commission should continue the item to the next meeting. Mr. Nelson said the concerns were mainly engineering issues. Mr. Nelson and the Planning Commission discussed the manhole requirements and clarified the bonding requirements for the subdivision and the manhole. Commissioner Obray asked if the only aspect that would drive the continuation of the application was the manhole? Mr. Nelson said the manhole requirements needed to be reflected in the development agreement and some wording on the plat needed to be cleaned up.

Commissioner Swenson moved to continue discussion and consideration of the Blake Smith Minor Subdivision, located at 3580 S 250 W; applicants Blake and Katrina Smith until a future date. Commissioner Albrect seconded the motion. The motion passed unanimously 5-0; with Commissioner Swenson, Commissioner Albrect, Commissioner Mansell, Commissioner Logan, and Commissioner Obray all in favor.

Planning Commission 2019 Goals and Projects Workshop

Mr. Nelson said the Planning Commission had asked staff to provide a list of goals for 2019. Mr. Nelson he had included the list in the meeting packet.

Mr. Nelson discussed the following projects that he recommended the Planning Commission address over the 2019 calendar year:

Master Plans

- Update Zoning Map
- Update Affordable Housing Plan
- Town Center Master Plan and Code
- Water Master Plan

Ordinances and New Codes

- Propose new residential housing code or zones based on Town Center Plan and Affordable Housing Plan
 - Multifamily Housing Zone
 - Accessory Dwelling Units Code Update
 - Allow Apartments in Neighborhood Commercial
- **Update Subdivision Ordinance**
- Code Enforcement Issues
- **Fencing Code for Corner Lots**
- Draft Dark Sky Ordinance
- Animal Code
- Commercial Code and Standards review
- Update Neighborhood Commercial Zone
- Review and Update Land Use Table and Conditional Use Permit Code
- Trails Ordinance
- **Create better landscaping standards**
- Review the entire code and make needed changes
 - Including non-business-friendly laws

Other

- Recreate Subdivision Checklist for new code

Commissioner Obray suggested, as Mr. Nelson looked at the animal ordinance that he specifically look into larger animals. He questioned how a pasture could remain green and not turn into a dust bowl on neighbors? They wanted to avoid this. They wanted to preserve the rural feel but couldn't have three horses on an acre with the number of houses that may be built up around them.

Commissioner Swenson questioned how they prioritized the list. Mr. Nelson asked for recommendations.

Commissioner Albrect asked if there were requirement to meet for dark sky. Mr. Nelson said there was a dark sky organization that had set standards to meet to be certified dark sky. The main concern for dark sky was concerning development around Firefly Park. Mr. Nelson said a lot of the light pollution in the area around Firefly Park was not from Nibley City; it was from other entities. Mr. Nelson summarized some of the building standards Nibley City would like to put in place for dark sky and potential incentives for properties within certain proximity of Firefly Park. Commissioner Swenson asked about new subdivision. Mr. Nelson said new light standards had the light shining down. Commissioner Albrect thought the dark sky organization's standards were pretty high. Mr. Nelson said they would like to see dark sky implemented Valley wide. Mr. Nelson summarized some the of the dark sky problems in Cache Valley. Commissioner

Albrect asked if the goal was certification? Mr. Nelson said the goal was to make the sky darker and to darken around Firefly Park.

Commissioner O Bray said in looking through the goals, everything was combating a suburban city. He said there was confusion of what direction Nibley City was going. He was confused about discussing apartments and maintaining a rural feel. Commissioner O Bray suggested there be animal zoning and not something blanket across the entire city. Commissioner Albrect thought they needed to consider diversity. She thought towns were safer and more innovative from interspersing housing; tradeoffs were important. The tradeoffs needed to be planned carefully.

Mr. Nelson though the subdivision, fencing code and landscaping ordinances should be first priority; then a code enforcement ordinance followed by the land use table and conditional use tables. Commissioner Swenson agreed with Mr. Nelson's priorities. Commissioner Mansell agreed with Commissioner Swenson. Commissioner Logan also agreed with prioritization. Commissioner Swenson suggested they start with the prioritizations Mr. Nelson presented and then the Planning Commission should review the goals and prioritize again.

Commission and Staff Report and Action Items

Mr. Nelson reminded the Planning Commission that the legislative session was starting soon and the City was working closely with the League of Cities and Towns on land use issues.

Mr. Nelson reminded the Planning Commission that their next meeting would be the 7th of February and reminded them the meetings would begin at 6:00 p.m.

Commissioner Mansell said the meeting was adjourned at 7:23 p.m.

Attest: _____
Deputy City Recorder