

A Meeting of the Nibley Planning Commission held at Nibley City Hall, 455 West 3200 South, Nibley, Utah on Thursday, March 19, 2020.

The following actions were made during the meeting:

Commissioner Logan moved to approve the changes, with the additional comments as noted to the proposed update to Nibley City Commercial and Neighborhood Commercial Zoning Standards. 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.

Commissioner Swenson moved to approve Mount Vista Phase 2 Final Plat, located at approximately at 600 W and 3600 S. (Applicant: Visionary Homes). Commissioner Logan seconded the motion. The motion passed 3-2; with Commissioner Swenson, Commissioner Logan and Commissioner Brown in favor and Commissioner Mansell and Commissioner Obray dissented.

Commissioner Swenson moved to approve Mount Vista Phase 3 Final Plat, located at approximately at 450 W and 3500 S. (Applicant: Visionary Homes). Commissioner Logan seconded the motion. The motion passed unanimously 5-0; with Commissioner Swenson, Commissioner Mansell, Commissioner Logan, Commissioner Obray and Commissioner Brown all in favor.

Planning Commission Chair Tyler Obray called the Thursday, March 19, 2020 Planning Commission meeting to order at 6:33 p.m. Those in attendance included Commissioner Bret Swenson, Commissioner Garrett Mansell, Commissioner Matt Logan and Commissioner Tyler Obray. Mr. Stephen Nelson, Nibley City Planner, was also present.

Approval of 3-5-2020 meeting minutes and the evening's agenda

General consent was given for the previous meeting's minutes.

General consent was given for the evening's agenda.

Swearing in ceremony for Karina Brown, recently appointed by the City Council for the Planning Commission Term March 2020-February 2025

City Manager, David Zook, asked Mrs. Brown to raise her right hand and repeat the following:

"I Karina Brown, Do solemnly swear that I will support, obey and defend

The Constitution of the United States

and the Constitution of the State of Utah.

And that I will discharge the duties of my office with fidelity.”

Commissioner Brown took her place at the dais.

A Public Hearing to consider recommendations to the proposed update to Nibley City Commercial and Neighborhood Commercial Zoning Standards.

Mr. Nelson discussed ordinance 19.14.020 Use Regulations. Changes were made recently to the land use chart which changed some of the uses from conditional into permitted uses for businesses in the commercial zone. Staff still wanted some of the regulations and rules that would typically be tied to conditional with some of these businesses, particularly with transportation and utilities. The commercial code never referenced our commercial standards that were adopted which were added as clarification. Mr. Nelson proposed the following *new* changes to the code:

A. Use Permit

1. *Each Commercial Development and Use shall obtain a business license from Nibley City. Commercial Uses as listed in NCC 19.20 as a conditional use shall also obtain a Conditional Use Permit before construction of new developments or operation of a business for existing commercial developments and buildings.*

B. Traffic and Connectivity

1. *Roadways and intersections shall maintain a Level of Service (LOS) C. Commercial applicants may be required to make any road updates in order to ensure the roadway will maintain LOS C.*
2. *Site plans must comply with the Transportation and Trails Master Plan.*
3. *Applicants may be required to provide an additional vehicle access to the site for one or more of the following reasons*
 - a. *There is only one vehicle access road to the site*
 - b. *Allow for greater emergency access to the site*
 - c. *Provide for better connectivity and enhance the safety of surrounding roadways and intersections.*
 - d. *Construction access to minimize impact to existing homes and infrastructure*

C. Utilities

1. *Prior to the issuance of a business license or conditional use permit, utility lines shall be updated to comply with water, sewer and stormwater master plans within the application property and adjacent rights-of-way.*
2. *A business license or conditional use permit shall only be granted if the City can reasonably supply water and sewer services to the applicant for their proposed use. The City may require an applicant to turn over water shares or water rights in order to allow the City to provide long term water service to the site.*

3. *Applicants shall connect to service lines needed to supply the use of an application and shall be responsible for all associated costs. If no utility lines are available or current utility lines and services are determined to be insufficient for the proposed use by the City Engineer, the applicant shall build or provide plans for the needed infrastructure before a business license or conditional use permit may be granted.*
- D. *Each Commercial building shall be built to the standards in Nibley City Design Standards for Commercial and Institutional Uses except for remodeled residential structures as stated within this chapter.*
- E. *All commercial buildings shall comply with fire code and are subject to inspection of the Fire Marshall before a business license or conditional use permit is granted. New commercial buildings shall also be inspected by the Fire Marshal before a certificate of occupancy can be given. All commercial buildings shall be subject to an annual inspection by the Fire Marshal, and any license, permit, or certificate issued for a building or use may be revoked for failure to comply with fire code.*
- F. *All site plans shall be approved by the City's Engineer and Public Works departments. All site plans shall comply with Nibley City Design Standards and all projects located in Commercial and Neighborhood Commercial Zone shall comply with Nibley City Design Standards for Commercial and Institutional Use.*
- G. *Residential Units Remodeled for Commercial Use:*
 1. *Nibley City Design Standards for Commercial and Institutional Use facade treatments shall not apply to single family homes that have been remodeled for commercial use.*
 2. *Remodeled Residential Units must comply with landscaping, parking, fire code, the Americans with Disability Act (ADA) requirements, building permit requirements and other zoning standards listed within this title.*
 3. *Any business taking place in a remodeled residential unit is considered a conditional use, regardless of the use within the building.*
 4. *The Commercial Use shall be the primary use of the building*
- H. *The City may require the placement of fences or walls to enhance security and mitigate aesthetic or other impacts at facilities adjacent to residential areas.*
- I. *In Commercial Zones, warehousing and storage may be allowed as part of business if it is attached to offices, retail, or other permitted or conditional use allowed within a Commercial Zone.*
- J. *All Commercial developments shall comply with landscaping code within NCC 19.24.170*

In 19.14.050 Neighborhood Commercial Zone C-N: Mr. Nelson thought the planning commission might want to consider attorney, Robert Patterson's comment "I wonder if this is not better handled as an overlay for residential, given that you're now allowing accessory dwelling units."

Some of the main changes to the code are as follows:

A. Purpose

2. This C-N zone shall be located in areas deemed appropriate and approved by the city council for services to the residents of the city. The zone will create a minimum of detriment, hazard, noise or inconvenience to surrounding residential development. ~~Each neighborhood~~

~~commercial zone shall be small in area, containing from two (2) to (5) acres and will have sidewalks and provide streetscape improvements for present and provide streetscape improvements for present and future pedestrian access.~~

C. Conditional Uses:

4. Residential Units Remodeled for Commercial Use:

a. Nibley City Design Standards for Commercial and Institutional Use facade treatments shall not apply to single family homes that have been remodeled for commercial use.

b. Remodeled Residential Units must comply with landscaping, parking, fire code, the Americans with Disability Act (ADA) requirements, and other zoning standards listed within this title.

c. Any business taking place in a remodeled residential unit is considered a conditional use, regardless of the use within the building.

d. The Commercial Use shall be the primary use of the building

D. Area Density Requirements: Each single lot or parcel of land in the C-N zone shall contain a minimum of *one-fourth (1/4)* acre to allow for the building, site development, parking, required landscaping and stormwater detention. Stormwater detention can be planned as one shared basin.

E. Lot Frontage: The combined, contiguous parcels or lot of land in the C-N zone shall abut a public street for a minimum distance of one hundred feet (100').

F. Lot Coverage: No building, structure or group of buildings with their accessory buildings shall cover more than *seventy percent (70%)* of the lot or parcel.

G. Minimum Lot Standards: The following minimum yard requirements shall apply to the C-N zone:

1. Front Yard: Each yard or parcel in the C-N zone shall have a store front yard of not less than *twenty feet (20')*.
2. Side Yard: Each yard or parcel of land in the C-N zone shall have a side yard of not less than *ten feet (10')*. The minimum side setback from an adjacent residential zone shall be *ten feet (10')*.
3. Side Yard; Corner Lots: On corner lots the side yard contiguous to the street shall not be less than *twenty feet (20')* in width and shall not be used for vehicular parking. Said area shall be appropriately landscaped except those permitted accesses or driveways.
4. Rear Yard: Each lot or parcel of land in the C-N zone shall have a rear yard of not less than *five feet (5')*, but at a minimum shall match the space requirements for the rear yard setback of the adjoining zone except the rear yard setback shall be *twenty feet (20')* adjacent to a residential zone.

H. Building Height: No lot or parcel of land in the C-N zone shall have a building or structure which exceeds the height of two (2) stories with a maximum height of thirty five feet (35') and comply with NCC 19.24.080, "Public Buildings, Additional Height Allowed".

I. Building Size: The maximum size building footprint allowed shall not exceed a total of ten thousand (15,000) square feet.

J. Accessory Dwelling Units (ADUs)

- 1. Commercial buildings within Neighborhood Commercial Zones shall be allowed to have up to two attached accessory dwelling units. ADUs shall be attached to the building. Dwelling Units shall be located either on the rear of the building or on the second story.*
- 2. Any Neighborhood Commercial Building shall supply two additional off-street parking for each ADU.*
- 3. Each ADU shall have a separate access apart from the commercial access to the building*
- 4. ADU must meet all applicable building, zoning, and fire code requirements.*

L. Signs: The requirements of design standards for commercial and institutional uses shall apply to this zone. Only monument signage will be allowed, and only in the *twenty foot (20')* "front yard" setback.

Commissioner Brown asked if this commercial zone would apply to the town center. Mr. Nelson stated that currently we only have one location that is zoned neighborhood commercial and if the Ridgeline Development is approved through city council, that would be the next location for neighborhood commercial. It was also discussed that neighborhood commercial would be the best zoning for the town center.

Commissioner Brown questioned the need for a building to have two accessory dwelling units. Mr. Nelson stated that the number could be flexible depending on what the planning commission wanted to see.

The Planning Commission discussed the undeveloped neighborhood commercial areas on the zoning map and new proposed areas. Currently, our neighborhood commercial is Maverik and Riverside Carwash.

Commissioner Obray opened the public hearing at 6:55pm.

No public comment

Commissioner Obray closed the public hearing at 6:56pm.

Discussion and Consideration of recommendations to the proposed update to Nibley City Commercial and Neighborhood Commercial Zoning Standards.

Commissioner Logan asked if the city council decided on the R-PUD Moratorium. Mr. Nelson stated that by law there must be a public hearing which is scheduled for next week. However, the moratorium won't technically apply to this neighborhood commercial.

Commissioner Obray didn't understand section d. *The Commercial Use shall be the primary use of the building* of the code and felt it was vague, conflicting and should be removed. Commissioner Swenson felt it read well and was right. After clarification from Mr. Nelson, Commissioner Obray was okay with it.

Commissioner Swenson proposed the following **changes** to Regulations Use Section C2 and felt there was no need to explain the rationale behind that decision.

A business license or conditional use permit shall only be granted if the City can reasonably supply water and sewer services to the applicant for their proposed use. The City may require an applicant to ~~turn-surrender over~~ water shares or water rights. ~~in order to allow the City to provide long term water service to the site.~~

Commissioner Swenson **questioned** the wording in Section C3 and felt it was complicated and needed to be rewritten.

*Applicants shall connect to service lines needed to supply the use of an application and shall be responsible for all associated costs. If no utility lines are available or current utility lines and services are determined to be insufficient for the proposed use by the City Engineer, **the applicant shall build or provide plans** for the needed infrastructure before a business license or conditional use permit may be granted.*

After discussion with The Planning Commission, Mr. Nelson made notes of the changes.

In 19.14.050 Neighborhood Commercial Zone C-N Section J. Accessory Dwelling Units (ADUs), Commissioner Brown asked if it was left up to the owner's discretion for the minimum or maximum square footage. Mr. Nelson confirmed and stated this is something that is currently being worked on and can be addressed. He also addressed Commissioner Brown's question regarding the limit to the hours of operation in Section F.

Commissioner Logan moved to approve the changes, with the additional comments as noted to the proposed update to Nibley City Commercial and Neighborhood Commercial Zoning Standards. 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 of a proposed building permit to build a home on parcel 03-041-0001. Applicant Dustin Hansen

Staff recommended to continue this item. UDOT gave preliminary approval to use the shared access for the single-family home that Mr. Hansen wants to build. The city is still waiting for an engineering report for the floodplain.

Commissioner Swenson moved to continue the Discussion and Consideration of a proposed building permit to build a home on parcel 03-041-0001. Applicant Dustin Hansen. Commissioner Logan 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 of a recommendation on Mount Vista Phase 2 Final Plat, located at approximately at 600 W and 3600 S. (Applicant: Visionary Homes)

The applicant Benjamin Steele was present.

Mount Vista was given preliminary approval on August 08, 2019. Phase 1 was recently approved, and construction has begun.

Mr. Nelson discussed the plat, stating that it matches the preliminary plat for lot sizes, number of lots and open space locations.

There are no concerns with zoning size, lot sizes or frontages.

The applicant has provided a couple of utility easements as required, the main one being the sewer line between Lot 18 and 19. There is no slope to get the sewer to flow north down 600 to 3200 S, so the applicant is putting in a sewer line underneath the railroad tracks to the Scott Farm lift station. Once installed the sewer line will be turned over to the city.

There are no concerns regarding the construction documents which have all been signed and approved by the city.

Improvements still need to be made to the Scott Farm lift station to include a generator that will give the station more capacity in case of an emergency.

For lots that have Xs: Code was added to include that dwelling units shall be built with the finished floor elevation lower than six inches above the finished curb or centerline of the street, whichever is higher unless an individual lot owner is able to provide a stamp report meeting the qualifications as listed within the section for their lot and unless that report is reviewed and approved by the city engineer.

The developer has shown the proper right of way and width for each roadway. The City Council required that the developer put in a future dedicated right of way to Parcel D.

The developer has provided a street tree plan as required by Nibley City Code 21.12.170:

The developer shall provide a street tree planting plan that will be attached to the development agreement. Proposed street trees must conform with Nibley City's Tree Care Plan. The City and the Developer shall enter into an agreement that the City shall install and plant new trees within the development according to the submitted and approved street tree planting plan. The Development agreement shall outline this agreement and shall include the number of trees that will be planted and the cost of each tree that the developer will pay to the City to plant said trees.

Open space Parcel C will be HOA owned and it will be naturally landscaped, irrigated and will provide a trail space with public easement.

Parcel D, which is the Storm Water Pond will be developed and landscaped according to Nibley City Code 21.10.020 where they are required to plant 104 trees. Several of the trees will be shifted to Parcel E due to the dedicated right of way.

Parcel E will be a dedicated city park space. The City Council wanted any extra money left over after landscaping the development to go into Parcel E. The City Council's main request was a playground, but there could potentially be an additional trail space or a pavilion. There will be on street parking.

The general findings for the plat meet the approved preliminary plat and complies with Nibley City zoning and subdivision standards. The County Recorder noted and made the change that an HOA should be labeled as common spaces. And open space dedicated to the City should also be noted to become part of the City.

Staff recommended approval to the plot as presented.

Commissioner Swenson asked if the lift station is owned by the City or HOA. Mr. Nelson stated that it will be owned by the City and the City will be responsible for maintenance. Mr. Nelson also addressed Commissioner Logan's question regarding the quality standards of the generator. Mr. Nelson stated that the City is hoping to eventually run a sewer line and abandon the lift station.

Commissioner Obray thought there would be a road that was going to go through to the adjacent subdivision. Mr. Nelson stated that after discussion with the City Council, they did not require that the developer install a road but only provide location for that roadway. If the developer south of the project needs the roadway for access, they would be responsible for installing it. The retention pond will not be affected.

Commissioner Obray wanted to see the road put in. He didn't think the city should make the next developer go onto someone else's property that they don't own because the current developer didn't have to put it in. He felt it is poor design to have that road go directly north through the existing neighborhoods when there is master plan road at 850 just adjacent to it. He recommended that it be approved subject to the road punching through and stubbing off the property with utilities and asphalt.

Commissioner Swenson thought it was a good compromise because the new developer will pay for that road and it wouldn't be an eyesore forever until it was done.

Applicant stated that the future dedicated right of way and park space will be dedicated to the City and the common areas will be owned and maintained by the HOA. The open space lots will be dedicated to the City.

Commissioner Obray said he could not vote in positive unless there is utility, water and sewer running to the property line and asphalt.

The applicant felt it was common to have the next developer put in the road.

Commissioner Swenson stated that he didn't like streets that are stubbed because they turned into gravelly, ugly stubs for many years. He felt the City Council did a good job and protected the situation with the right of way.

Commissioner Swenson moved to approve Mount Vista Phase 2 Final Plat, located at approximately at 600 W and 3600 S. (Applicant: Visionary Homes). Commissioner Logan seconded the motion. The motion passed 3-2; with Commissioner Swenson, Commissioner Logan and Commissioner Brown in favor and Commissioner Mansell and Commissioner Obray dissented.

Discussion and Consideration of a recommendation on Mount Vista Phase 3 Final Plat, located at approximately at 450 W and 3500 S. (Applicant: Visionary Homes)

Mr. Nelson reported that the issues the applicant had for Phase 2 and the initial report also apply to Phase 3.

Open space Parcel G will be natural planting like Parcel C. Mr. Nelson discussed common space and trail spaces.

Mr. Nelson's recommendations were the same as Phase 2. The plat complies with the zoning standards, dimensions and layout with the preliminary plat that was approved by the City Council. The applicant addressed the notes from Cache County Recorder regarding open space which will be dedicated to the City and the common space owned by the HOA.

Commissioner Swenson moved to approve Mount Vista Phase 3 Final Plat, located at approximately at 450 W and 3500 S. (Applicant: Visionary Homes). Commissioner Logan seconded the motion. The motion passed unanimously 5-0; with Commissioner Swenson, Commissioner Mansell, Commissioner Logan, Commissioner Obray and Commissioner Brown all in favor.

Commissioner Logan called for a recess at 7:43pm. The meeting resumed at 7:51pm.

Workshop: Accessory Dwelling Units

Mr. Nelson reminded the commission about the discussion per the modern income housing plan to adopt an ordinance that would allow for detached accessory dwelling units.

Mr. Nelson reviewed the first draft to the code:

A. Purpose

1. This chapter establishes approval criteria and outlines processing procedures for accessory dwelling units (ADUs).
2. The purpose of this chapter is to allow accessory dwelling units within single-family detached dwellings in zoning districts specified in this title, to establish the conditions under which accessory dwelling units are regulated under this chapter, and to set forth criteria and standards to be required of accessory dwelling units when this chapter is applicable.

B. Definitions

1. Accessory Dwelling Unit: A residential dwelling unit, but not a mobile home, located on the same lot as a single-family dwelling unit, either within the same building as the single-family dwelling unit or in a detached building. Secondary dwelling units shall be developed in accordance with the standards set forth in this chapter and only in those zoning districts where the use is listed as a special review use.

C. Accessory Dwelling Unit Approval Required

1. Accessory Dwelling Units shall be considered permitted by right when they comply with the standards and provisions of this title. Accessory Dwelling Units that existed prior to the adoption of this ordinance, that have not received formal approval, shall be considered illegal until approved in compliance with these provisions

Mr. Nelson recommended keeping a registry to keep track of the type of housing the city is supplying.

D. Application

1. Persons shall make application for an accessory dwelling unit on forms prepared by MUNICIPALITY. No accessory dwelling unit application shall be processed without the submission of the application, all supporting materials as required by this chapter, and the processing fee. Incomplete applications shall not be processed under any circumstances.
2. Supporting Materials. The Accessory Dwelling Unit application shall be submitted with the materials listed herein.
 - a. Notarized letter: a notarized letter of application shall be provided by the property owner stating that such owner will occupy the property except for bona fide temporary absences

- b. Floor Plan: A floor plan showing the floor in which the accessory apartment will be located shall be provided
- c. Parking Plans: A parking plan shall be submitted showing where off-street parking will be provided.
- d. Fire Extinguisher(s): Evidence of a fire extinguisher in the accessory dwelling unit shall be provided.
- e. Fee: The processing fee as required by the consolidated fee schedule as approved by the City council shall be paid in full.

E. Approval Criteria

1. Proposed accessory dwelling units in compliance with the following criteria to ensure the health and safety of occupants and that preserve the residential characteristic of the neighborhood shall be approved
2. Owner Occupation: the owner(s) of the residence shall live either in the dwelling in which the accessory dwelling unit was created or the ADU, except for bona fide temporary absences
3. Fire, building, and health codes. The design and size of the accessory dwelling unit shall conform to all applicable standards in the fire, building, and health codes. All necessary permits shall indicate the area to be designated for accessory dwelling unit use.
4. Exterior Appearance: The accessory dwelling unit shall be incorporated into the residence so that to the degree reasonably feasible, the appearance of the building remains that of a single-family residence, including landscaping, installation of separate utility meters for accessory dwelling units is prohibited. Separate addresses and mailboxes shall be placed on all accessory dwelling units regulated by this chapter as required for public safety purposes. All entrances to accessory dwelling units shall be located on the rear or side of the building.
5. Parking: Off-street parking for one vehicle, shall be provided for use by the tenants of the accessory dwelling unit
6. One Accessory Dwelling Unit: Only one accessory dwelling unit shall be created within a single-family dwelling
7. Detached Structures: Accessory dwelling units may be permitted in a detached structure so long as the setbacks of the detached structure are maintained.
8. Size criteria:

F. Size and Zoning

1. ADU shall have the following size requirements:

- a. Shall have the minimum size of 300 sq. ft.
- b. For Detach ADUs, the ADU shall following the sizing and setback requirements for other accessory buildings as listed in NCC 19.24.

G. Noncompliance

1. Owners of the single-family dwelling where the accessory dwelling unit use has been approved shall be responsible for their property's compliance with the city's ordinances and conditions of approval. Single-family owners who fail to maintain or violate the city's ordinances regulating accessory apartment use or conditions upon which approval was contingent may have the permit revoked. Notice of violation shall be given to the owner of the residence containing the accessory apartment use providing 14 days to correct a violation before the permit is revoked. Persons aggrieved by the revocation of their permit may use the appeal process to have their grievances heard.

Mr. Nelson reminded the commission of previous discussion regarding requirement of minimum lot size, parking and entrances that are not addressed by this code.

The Planning Commission discussed setbacks, differences between a shed and accessory dwelling unit, kitchen and bathroom requirements. Mr. Nelson recommended allowing mobile homes. Commissioner Swenson thought to expressly prohibit mobile homes and the Planning Commission discussed ways to address this and camp trailers within the code.

Mr. Nelson reviewed the Mobile Home Code:

MOBILE HOME: A movable living unit designed to be transportable, after fabrication, on its own wheels, attached wheels or low boy, suitable for year-round occupancy. Pre-sectionalized, modular or prefab housing not placed on a permanent foundation shall be regarded as a **mobile home** whether or not such units meet the city's building and housing codes. Pre-sectionalized, modular or prefab housing which meets the city's applicable building and housing codes, and which is placed on a permanent foundation is controlled by this title and other applicable ordinances the same as dwelling units constructed in the conventional manner.

Commissioner Swenson referred to Section E Number 4. Exterior Appearance.

Commissioner Logan expressed concern regarding flag lots. Mr. Nelson explained the differences.

Commissioner Brown did not think there should be a limit to how many people should live in an accessory dwelling unit. Mr. Nelson clarified the current zoning code which allows for up to two unrelated individuals or one family related by blood.

The Planning Commission discussed parking, setbacks and sizes within the current code.

A	R-E	R-1	R-1A	R-2	R-2A	C	I
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C.	Setback accessory uses								
	Front yard	30(35) ³	30(35) ³	30(35) ³	30(35) ³	30(35) ³	30(35) ³	20	50
	Side yard, interior	10(3) ⁵	10(3) ⁵	10(3) ⁵	10(3) ⁵	10(3) ⁵	10(3) ⁵	0(10) ⁴	0(10) ⁴
	Side yard, street		25(35) ³	25(35) ³	25(35) ³	25(35) ³	25(35) ³	20	25(35) ³
	Rear yard	1(10) ⁶	1(10) ⁶	1(10) ⁶	1(10) ⁶	1(10) ⁶	1(10) ⁶	1(10) ⁴	1(10) ⁴

Lot Size	Maximum Square Footage	Maximum Building Height (Feet)
0 - 14,000 square feet	1,000	20
0.33 - 0.49 acre	1,200	20
0.5 - 0.74 acre	1,500	20
0.75 - 0.99 acre	3,000	30
1.0 - 1.99 acres	5,000	30
2.0 acres and above	No limit	30

Mr. Nelson informed the Commission of his discussion with the city manager regarding the size of the dwelling unit and primary unit. Commissioner Obray did not think they should put a restriction on it.

Commissioner Obray asked Commissioner Brown if she had any questions. She thought it was a good idea and questioned if there would be a limit to the number of ADUs allowed in the city.

The Planning Commission discussed size and zoning. Currently, the code reflects:

- a. For Detach ADUs, the ADU shall following the sizing and setback requirements for other accessory buildings as listed in NCC 19.24.

Mr. Nelson referred to the current Accessory Buildings Code 19.24.060 General Requirements which states:

The total square footage of all accessory buildings shall not occupy more than twenty five percent (32%) of the rear yard.

Commissioner Swenson disagreed with the entire ordinance and didn't like it. He lives on Hollow Road and moved down there for the space. He didn't think the City needed it and affordable housing is being handled by the R-PUDs. It cheapens Nibley. Mr. Nelson clarified that affordable housing is a recommendation from the State and he felt accessory dwelling units are a way to provide apartments in Nibley City without providing apartment complexes. He felt this would meet that bottom criteria in a more controlled fashion.

The Planning Commission discussed ways to control the ADUs through Conditional Use. Mr. Nelson stated that essentially Conditional Use is Permitted Use. And even then, that can potentially put the city in a lawsuit under Utah Code.

Mr. Nelson stated that he thought it would be helpful to limit short-term rentals.

Commissioner Brown was in favor of ADUs because it increases housing availability for people and families.

The Planning Commission discussed occupants living in the ADU. Mr. Nelson agreed that people who live on Hollow Road probably have a little more disposable income and there could potentially be a higher percentage of ADUs developed there.

Commissioner Swenson stated that he didn't think he will ever get on board with this. Commissioner Obray discussed the landlord ordinance to mitigate the potential impact of ADUs.

Workshop: Residential Planned Unit Development Code Update

Commissioner Obray wanted to table the discussion until the City Council discussed the moratorium.

Mr. Nelson shared and discussed Council Member Bernhardt's chart. Mr. Nelson felt it needed a little bit more analysis before it was adopted into code. Mr. Nelson felt The Planning Commission should make a recommendation to the City Council regarding open space. Commissioner Obray stated that he would like to think about it.

Commissioner Mansell thought the ratio needed to change for single family homes and townhomes to 60/40 or even 50/50 and to also include additional open space or amenities that will benefit the city. He felt the areas should be restricted even more and only be used along the corridors. He questioned the value that the city would get out of an R-PUD when you get the same openness from an RPS.

Commissioner Obray stated that "You can't have townhomes without density, and you can't have density without townhomes."

Mr. Nelson stated he thought The Planning Commission was generally okay with townhomes and the increased density, but it was obvious there has been a lot of residential pushback.

Mr. Nelson stated he would have the issue down for the next meeting, look at the map to fine tune some of the numbers and items of the code.

Workshop: Rural Preservation Subdivision

Commissioner Swenson moved to continue Workshop: Rural Preservation Subdivision. Commissioner Logan seconded the motion. The motion passed unanimously 5-0; with Commissioner Swenson, Commissioner Mansell, Commissioner Logan, Commissioner Obray and Commissioner Brown all in favor.

Staff Report and Action Items

The City Council passed the Dark Sky Ordinance/Lighting Standards. They removed the enhanced compliant Firefly Park buffer area from the ordinance and added holiday lighting as an exception.

The City Council passed the water master plan.

There will be no meeting the 1st week of April for Spring Break.

Mr. Nelson announced that this was his last Planning Commission meeting with Nibley City. He took a job in Hurricane as a Planning Director. He stated that he has a deep appreciation for everything The Planning Commission has done and has enjoyed working with them. It was a real honor and pleasure.

Commissioner Obray adjourned the meeting at 8:41 p.m.

Attest: _____
Office Specialist