



Nibley City
Planning Commission Meeting
Thursday, July 1, 2021
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 via the Zoom meeting link provided at www.nibleycity.com.

1. **Workshop:** Animal Land Use Regulations for provisions related to miniature pigs.
2. **Workshop:** Open Space Plan Review
3. **Workshop:** Parcel Boundary and Lot Line Adjustments
4. **Presentation:** Planning Commissioner Training Requirements
5. 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
July 1, 2021**

Agenda Item #1: Miniature Pigs

Description

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

Department

City Planning

Action Type

Workshop

Recommendations

Discuss potential changes to Animal Land Use Regulations for provisions related to miniature pigs

Reviewed By

City Planner

Background

Recently, a potential resident of the City expressed the desire to house two Juliana Pigs on a residential lot in Nibley City. Pigs are currently addressed within NCC 19.34: Animal Land Use Regulations. Under this provision of code, pigs are only allowed on a lot with more than $\frac{3}{4}$ acre and only 1 pig is allowed per $\frac{1}{2}$ acre. There is also no differentiation between different breeds of pigs within the Code. The petitioner has expressed that the pigs are approximately the size of an english bulldog, are very clean and have minimal impact to neighbors.

Although most communities prohibit large pigs from residential zones, some municipalities address miniature pigs differently than livestock. For example, Logan City defines potbelly pigs as ‘exotic pets,’ allowing up to 5 of such for each residence.

A quick survey of Planners across Utah revealed the following approaches and experiences:

- In West Valley City, pot-bellied pigs are considered a household pet. Each household is allowed up to four pets from a long list of potential pets. Weight is limited to 150 pounds, and any tusks must either be removed or kept trimmed.
- In Eagle Mountain, pigs (of all kinds) are allowed on lots greater than ½ Acre in size, they allow 2 pigs on lots ½ - 1 acre, 4 Pigs on lots from 1 to 3 acres, and 8 pigs on lots 3+ acres in size. They require 500 SF of fenced area per animal, and to be at least 150’ from the nearest occupied structure on an adjacent lot.
- In Brigham City, there was a resident with a miniature pig that petitioned the City to allow them. City Staff offered this experience: “The house that had the pigs had odors that would carry to the neighbors’ houses in the summer, and the back yard where the pig spent a fair amount of time was devoid of plant life but had plenty of pig poop. We did not end up allowing them here. It was one of the few times in my job here that the tv cameras were showing up for staff review, planning commission, and City Council meetings.”
- In North Salt Lake, after much research and deliberation, the Council decided that pot belly pigs were household pets and not domesticated farm animals. They adopted the following definition:

HOUSEHOLD PETS: Animals or fowl ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats and canaries, but not normally dangerous animals, such as lions or tigers. This definition shall not include a sufficient number of dogs as to constitute an "animal kennel", as defined in this section. Purebred miniature Vietnamese potbelly pigs and other similar purebred miniature pigs, not exceeding one hundred twenty five (125) pounds and twenty two inches (22") in height at the shoulder, limited to no more than two (2) miniature potbelly pigs per residence.

City Staff offered this additional information: “My research told me that there really is no such thing as a mini pig, they are mini because they are being starved so they don’t grow full size which shortens their life expectancy. However, they are very smart, are litter box trained, but you don’t want more than 2 or they get into mischief.”

- Layton City recently considered allowing miniature pigs as household pets, but ultimately denied the request due to concerns of impacts on neighbors.

The purpose of this workshop is to discuss whether to consider amending Nibley City Code to distinguish pet miniature pigs differently than conventional livestock, as the current Code does.

Considerations

- What is the anticipated impact of miniature pigs on residential neighborhoods (smell, noise, etc.)?
- Can anticipated impacts be reasonably mitigated?
- What are the potential benefits to the community to allowing the keeping of miniature pigs as pets?
- If miniature pigs should be allowed on smaller lots in Nibley City, how should this be incorporated into Nibley City Code?

Agenda Item #12: Open Space Plan Review

Description

Workshop: Open Space Plan Review

Department

City Planning

Action Type

Workshop

Recommendations

Discuss revisions to Nibley City Open Space Plan

Reviewed By

City Planner

Background

Nibley City has adopted a ‘Parks, Trails, Recreation & Open Space Master Plan.’ Regarding Open Space, this plan provides some guidance about how to approach open space preservation, including the following:

- Allow for developers to purchase bonus density
- Bonus density in lieu of TDR credits
- Prohibit Single-family HOAs
- Establish Agricultural Protection Areas

In support of this plan, the City will pursue the formulation of a Transfer of Development Rights (TDR) ordinance. The fundamental elements of a TDR ordinance is the establishment of sending and receiving zones. Sending zones are areas that the City would prefer to be preserved as open space and which the rights to develop could be transferred to receiving zones, which are more concentrated development areas. This requires the City to articulate which areas we would like to preserve and which areas we are comfortable with higher densities than conventional development.

Although the Future Land Use Map calls out some areas for preservation of open space, the currently adopted plan shows very limited areas, although there are strong values in Nibley City for the preservation of open space.

The purpose of this workshop is to discuss which attributes the City should prioritize in the preservation of open space. Staff will present a series of maps to guide the discussion. Based upon this discussion, Staff will then develop potential scenarios for open space preservation for the Planning Commission to consider. This will prepare the City to develop a robust TDR ordinance.

Agenda Item #3: Parcel Boundary and Lot Line Adjustments

Description

Workshop: Parcel Boundary and Lot Line Adjustments

Department

City Planning

Action Type

Workshop

Recommendations

Discuss potential amendments to Nibley City Code regarding review process for Parcel Boundary and Lot Line Adjustments

Reviewed By

City Planner

Background

One of the Planning Commission goals for 2021 is to review requirements for lot line adjustments and subdivision amendments. In addition, HB 409, passed by the Utah State Legislature this year, adjusts and clarifies certain requirements for subdivision plat amendments and parcel boundary adjustments. In particular, the following changes have been made to Utah State Code:

- HB 409 clarifies what qualifies as a parcel boundary adjustment vs. a lot line adjustment. Boundary adjustments are adjustments of the boundaries between parcels that are not part of a subdivision and generally do not need city approval, while lot line adjustments are adjustments of lots that are part of a subdivision and constitute a subdivision plat amendment.
- HB 409 provides that cities can review boundary line adjustments if the city adopts an ordinance with the following terms:
 - Boundary line adjustments are reviewable for parcels with dwellings;
 - The review is limited to ensuring the adjustment will not result in lots that violate applicable land use and zoning ordinances;
 - Within 14 days of submission, the adjustment is reviewed and either approved or the city sends a notice explaining the specific reasons why it was not approved, with a statement that the adjustment will be approved if the deficiencies or missing information are corrected.

Currently, Nibley City Code does point to State Code for approval of subdivision plat amendments, but provides an exemption for lot line adjustments whether they are part of a subdivision or not. Specifically, NCC 21.08.030 provides:

- A. *An agreement to adjust lot lines between adjoining properties, whether in a subdivision or on unsubdivided parcels of land, may be executed by the owners of record of said properties and recorded upon execution, if the following conditions are met:*
 1. *No new lot results from the lot line adjustment.*
 2. *No previously existing lot is eliminated as a result of the adjustment.*
 3. *If the properties to be adjusted are in a subdivision, the lot sizes, frontages and configurations are consistent with this title and NCC 19.*
 4. *No lot is made undevelopable without a variance or other special consideration.*
 5. *All property owners directly affected by the lot line adjustment give their consent.*
 6. *The lot line adjustment does not result in a remnant piece of land that did not exist previously.*
 7. *The lot line adjustment does not result in the violation of any applicable zoning ordinance.*
 8. *The lot line adjustment does not substantially alter legal lots that may otherwise need further review by the Planning Commission or City Council in the form of a subdivision amendment.*
 9. *Provided the above conditions are met, no municipal land use authority approval is required.*

- B. An amendment to a subdivision plat shall follow the process and standards within Utah State Code 10-9a-6 as amended, and any applicable Nibley City ordinances.*

The purpose of this workshop is to discuss potential processes the City should develop to review lot line and parcel boundary adjustments to ensure compliance with Nibley City Code.

Agenda Item #4: Planning Commissioner Training Requirements

Description

Presentation: Planning Commissioner Training Requirements

Department

City Planning

Action Type

Workshop

Recommendations

Discuss new training requirements for Planning Commissioners

Reviewed By

City Planner

Background

HB 409, passed during the 2021 Legislative Session, provides that Planning Commissioners must complete 4 hours of annual training on land use matters, powers, and duties. Regarding the content of the training, UCA 10-9a-302 provides:

The municipality shall ensure that each member of the municipality's planning commission completes four hours of annual land use training as follows:

- (i) one hour of annual training on general powers and duties under Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act; and*
- (ii) three hours of annual training on land use, which may include:*
 - (A) appeals and variances;*
 - (B) conditional use permits;*
 - (C) exactions;*

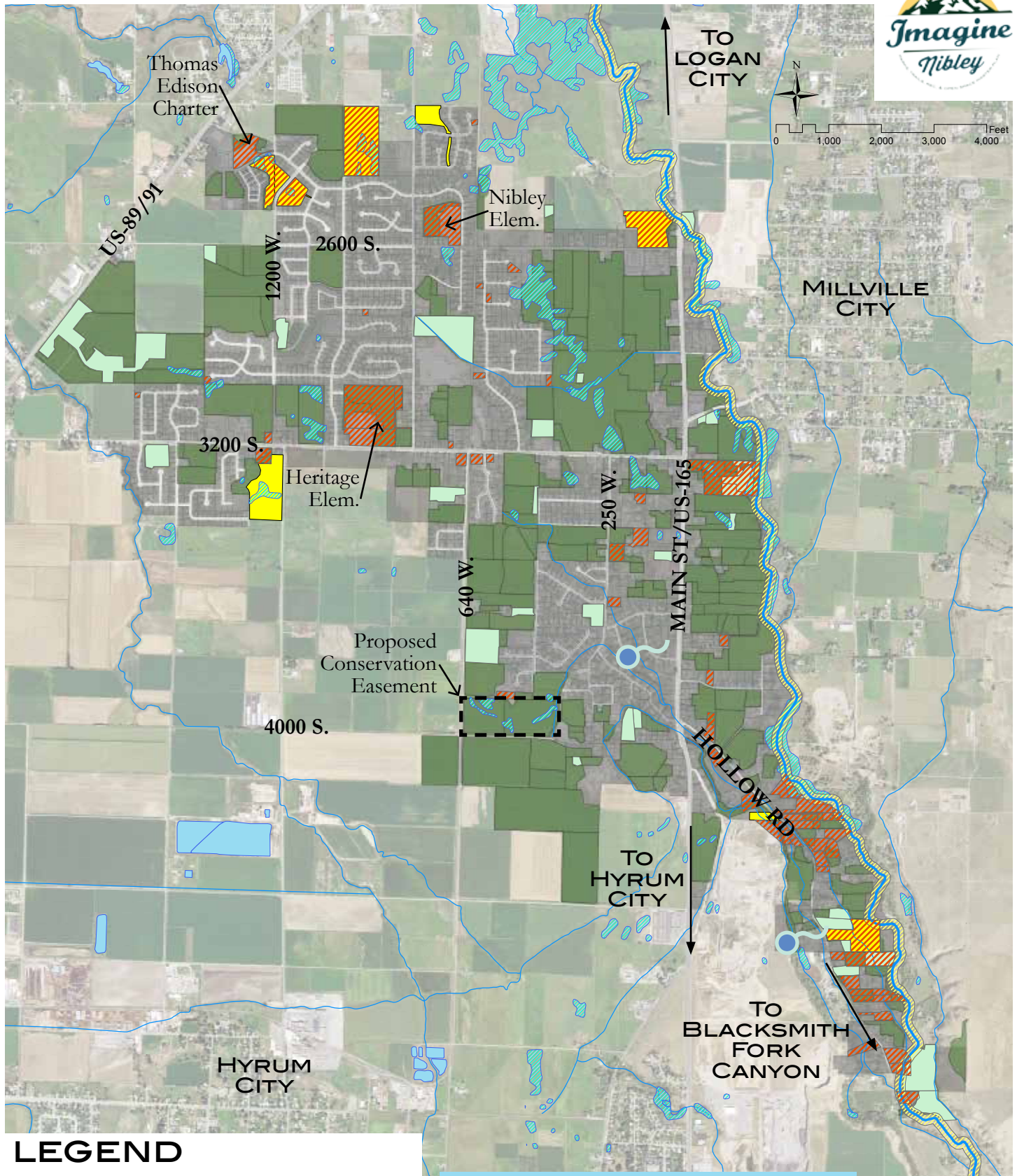
- (D) impact fees;*
 - (E) vested rights;*
 - (F) subdivision regulations and improvement guarantees;*
 - (G) land use referenda;*
 - (H) property rights;*
 - (I) real estate procedures and financing;*
 - (J) zoning, including use-based and form-based; and*
 - (K) drafting ordinances and code that complies with statute.*
- (c) A newly appointed planning commission member may not participate in a public meeting as an appointed member until the member completes the training described in Subsection (6)(b)(i).*
- (d) A planning commission member may qualify for one completed hour of training required under Subsection (6)(b)(ii) if the member attends, as an appointed member, 12 public meetings of the planning commission within a calendar year.*
- (e) A municipality shall provide the training described in Subsection (6)(b) through:*
 - (i) municipal staff;*
 - (ii) the Utah League of Cities and Towns; or*
 - (iii) a list of training courses selected by:*
 - (A) the Utah League of Cities and Towns; or*
 - (B) the Division of Real Estate created in Section 61-2-201.*
- (f) A municipality shall, for each planning commission member:*
 - (i) monitor compliance with the training requirements in Subsection (6)(b); and*
 - (ii) maintain a record of training completion at the end of each calendar year.*

Staff will provide a brief training on these new training requirements, then discuss preferred methods of training amongst the Commission.



CHAPTER 6: NIBLEY CITY OPEN SPACE

OPEN SPACE MAP



LEGEND

Water Way

Existing Spring

100' Riparian Buffer

Wetlands Habitat

NWF Certified Wildlife Habitat

Water Body

Wildlife Habitat Protection Area

Vacant/Undeveloped Land

Agricultural Land

Parcel



civilsolutionsgroup, inc.

OPEN SPACE 2017

BACKGROUND

In its broadest sense, open space is typically defined by land that is undeveloped (has no buildings or other built structures). Open space can be either publicly or non-publicly accessible. Publicly-accessible examples include public parks, USDA forest service land, community gardens, cemeteries, schoolyards, playgrounds, public seating areas, public plazas, etc. Non-accessible options include farmland, private land encumbered by conservation easements, vacant undeveloped land, certain wildlife preserves, publicly-owned privately-leased grazing land, etc. Despite the broad definition, American citizens, with Nibley residents being no exception, consistently raise their concerns over the loss of open space.

ISSUES

1. **Conservation Subdivisions:** With regard to open space, Nibley City's greatest concern has been to ensure that, as land is developed, an appropriate portion of that land is set apart in perpetuity for public open space. Currently, the City has a Conservation Subdivision ordinance in place that has allowed developers to place conservation easements on portions of their subdivision in exchange for higher-density. However, where conservation easements have typically been placed on private property, they are not open to the public. Additionally, these conservation easements have tended to be arranged in a fashion that is disjointed or fragmented, thus diminishing the utility of the parcels in preserving working agricultural lands or viable habitat. Lastly, concerns have arisen concerning the maintenance of these conserved areas since many have been neglected or abandoned and the City does not have a reliable means for enforcing
2. **Homeowners Associations (HOA's):** In the recent past several HOAs managing amenities connected to single-family neighborhoods have lost their fiscal viability and requested that the City assume responsibility for their assets. This has generated concern at the City level about the ongoing effectiveness of HOAs as an institution capable of effectively managing the infrastructure of low-density neighborhoods.
3. **Water Courses Rights-of-way & Access:** As development has proliferated in Nibley over the past 20 years, many developments have established themselves along historic streams and canals without preserving public access along or to these waterways. Other waterways have been eliminated entirely as they have been buried and piped or otherwise diverted from their historical courses. Studies have shown that water features are often the most valued natural feature of landscapes by the general public whether in humid or arid environments. Many citizens would like to see rights-of-way along remaining water courses be protected or, where they have been lost, re-secured for the establishment of walking and biking trails. Open water courses also provide wildlife passage through developed areas. In keeping these water courses open, the wildlife within Nibley City will continue to thrive.
4. **Loss of Farmland:** Development pressure in Nibley has also caused the continued loss and fragmentation of usable farmland. A concern exists among the public that much of the City's natural beauty, charm and appeal will be lost together with the elimination of working farms.

OPEN SPACE 2027

GOALS

1. Replace current conservation subdivision ordinance with new legislation that addresses City concerns of public access, fragmentation and neglect.
2. Revisit City regulations regarding HOA's and Planned Unit Developments (PUD's).
3. Protect and/or restore access to public waterways.
4. Protect working farms within Nibley City's proposed annexation boundary.

STRATEGIES

1. **Establish an "Open Space Preservation Fund".** This ordinance would allow developers to construct more units per acre in exchange for payment into an



Example of cluster development

open space preservation fund on a “dollars per percent density increase per acre” basis. This money would then be pooled together with other capital improvements funds for the construction of larger, higher-quality neighborhood parks and trails. In this fashion, the City will be able to better funnel and focus private financial capital towards construction of the parks, trails, and recreational facilities which have been identified as most prudent through this planning process.

Alternatively, the City could establish an ordinance establishing a Transfer of Development Rights (TDR) Overlay Zone. Such an ordinance would enable the City to offer developers a transfer of development rights (as measured in housing units) from proposed parks and trails lands to nearby new developments. Whereas the ratio of proposed park land to developable land is low, a multiplier factor is often applied to the park’s potential number of housing units in order to generate more revenue for its construction. Logan City, Farmington City, and Park City have all adopted similar TDR ordinances.

2. **Establish a City policy prohibiting the establishment of HOA’s for single-family developments.** Direct developers instead to consider the “Open Space Preservation Fund” or the TDR Overlay Zone Ordinance, giving them greater density in exchange for financing amenities in the locations described in this Plan.
3. **Establish a “City Waterways” ordinance that requires developers to grant public access in the form a trail along all canals, streams, and creeks.** Reasonable effort should be made to preserve springs



as possible. As mentioned previously, the City may reimburse fees to developers when the infrastructure is built.

4. **Establish “Agricultural Protection Areas” as defined by Title 17 Chapter 41 of the Utah State Administrative Code for the protection of working farms.** Such an area could be established with County cooperation between the City’s of Nibley and Hyrum to serve as a buffer. Property owners in such protection areas cannot be restricted in their right to farm by any political subdivision (counties, cities, towns, school districts, local districts, special service districts, etc.), nor can any such political subdivision modify the protected area’s zoning without consent from the landowners within the area.
5. **Establish partnerships with Land Conservancies to work towards conservation easements on key working farms.** Work with interested non-profits to establish and maintain the nature preserves proposed at Stokes Nature Center on 2600 South, Firefly Park, and the 1200 West Nature Park. Work with the same agencies for the maintenance and beautification of waterways within the City limits.

OPEN SPACE ORDINANCE SUMMARY TABLE

SUBJECT	DESCRIPTION
Allow for Developers to Purchase of Bonus Density	Establish an ordinance allowing developers to purchase density in exchange for financing the construction of amenities described in this plan by paying into an “Open Space Preservation Fund”.
Bonus Density in Lieu of TDR Credits	Establish a Transfer of Development Rights Overlay Zone from proposed park and trails lands to nearby developments. Developer purchasing of TDR credits will aid in funding parks and trails.
Prohibit Single-Family HOAs	Establish a City ordinance prohibiting the establishment of HOA’s for single-family developments, but not for multi-family which rely on them for the maintenance of their open space.
Establish Agricultural Protection Areas	Establish Agricultural Protection Areas in collaboration with adjacent municipalities to protect working farms in determined locations. Re-write ordinances in accordance with provisions of State of Utah law to accommodate this.

NATIVE PLANT PALETTE

In order to help preserve the natural environment and encourage wildlife, native plant materials should be used as much as possible. Below is a list of just a few options beneficial to this area and local wildlife.

Nature/Upland Parks

- Canopy Layer
 - Bigtooth Maple (*Acer grandidentatum*)
 - Rocky Mtn. Juniper (*Juniperus scopulorum*)
- Shrub Layer
 - Fringed Sagebrush (*Artemisia frigida*)
 - Western Sand Cherry (*Prunus besseyi*)
- Herbaceous Layer
 - Common Yarrow (*Achillea millefolium*)
 - Columbine (*Aquilegia spp.*)

Stream Restoration/Wetlands

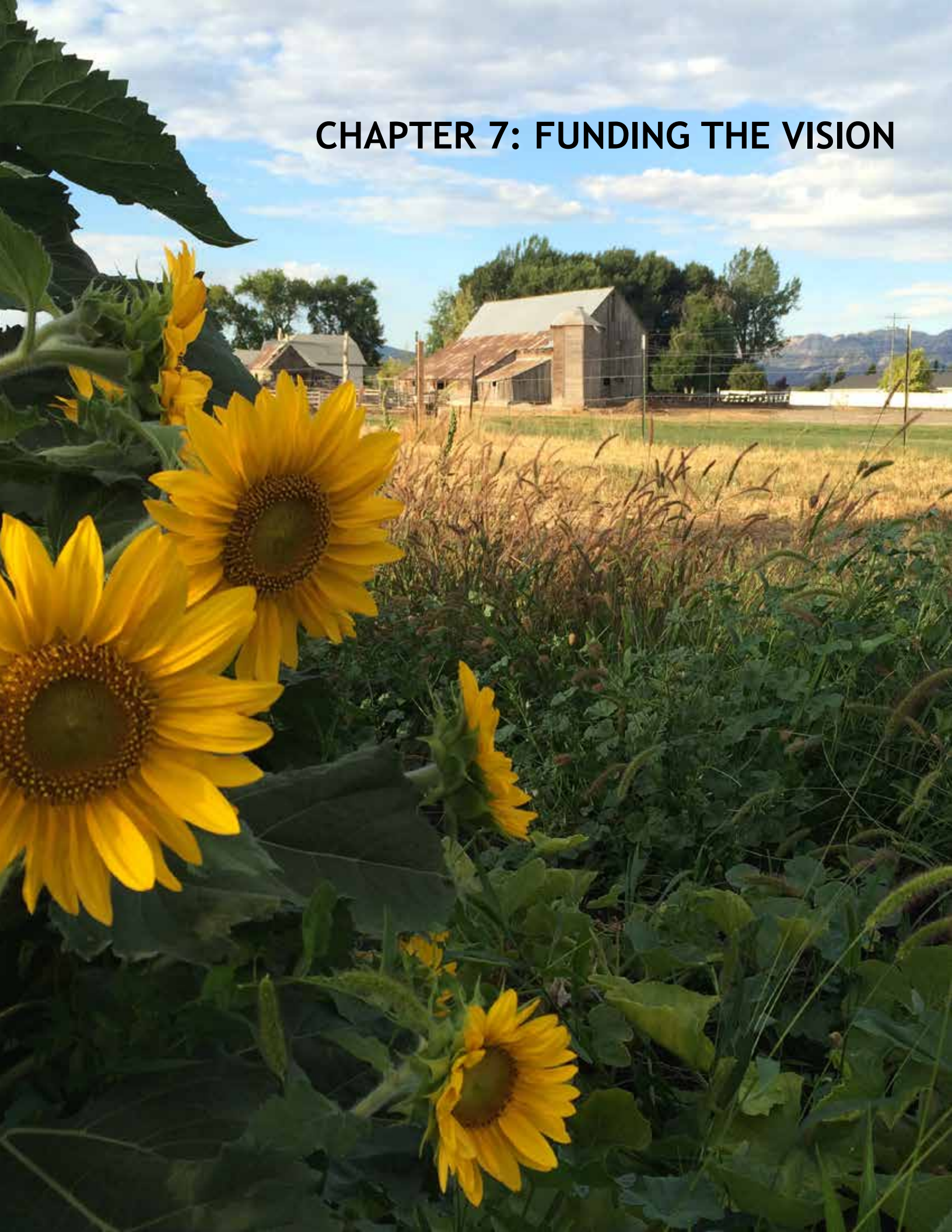
- Canopy Layer
 - River Birch (*Betula nigra*)
 - New Mexico Privet (*Firestiera neomexicana*)
 - Narrowleaf Cottonwood (*Populus angustifolia*)
- Shrub Layer
 - Redtwig Dogwood (*Cornus sericea*)
 - Creeping Oregon Grape (*Mahonia repens*)
 - Coyote Willow (*Salix exigua*)

Wildlife Habitats

- Shrub Layer
 - Fernbush (*Chamaebatiaria millefolium*)
 - Apache Plume (*Fallugia paradoxa*)
 - Golden Currant (*Ribes aureum*)
 - Woods Shrub Rose (*Rosa woodsii*)
- Herbaceous Layer
 - Butterfly Weed (*Asclepias tuberosa*)
 - Purple Coneflower (*Echinacea spp.*)
 - Blanketflower (*Gaillardia aristata*)
- Surface Layer
 - Desert Four O'Clock (*Mirabilis multiflora*)
 - California fuchsia (*Epilobium canum*)



CHAPTER 7: FUNDING THE VISION





Future Land Use

Update 3-25-2021

Legend

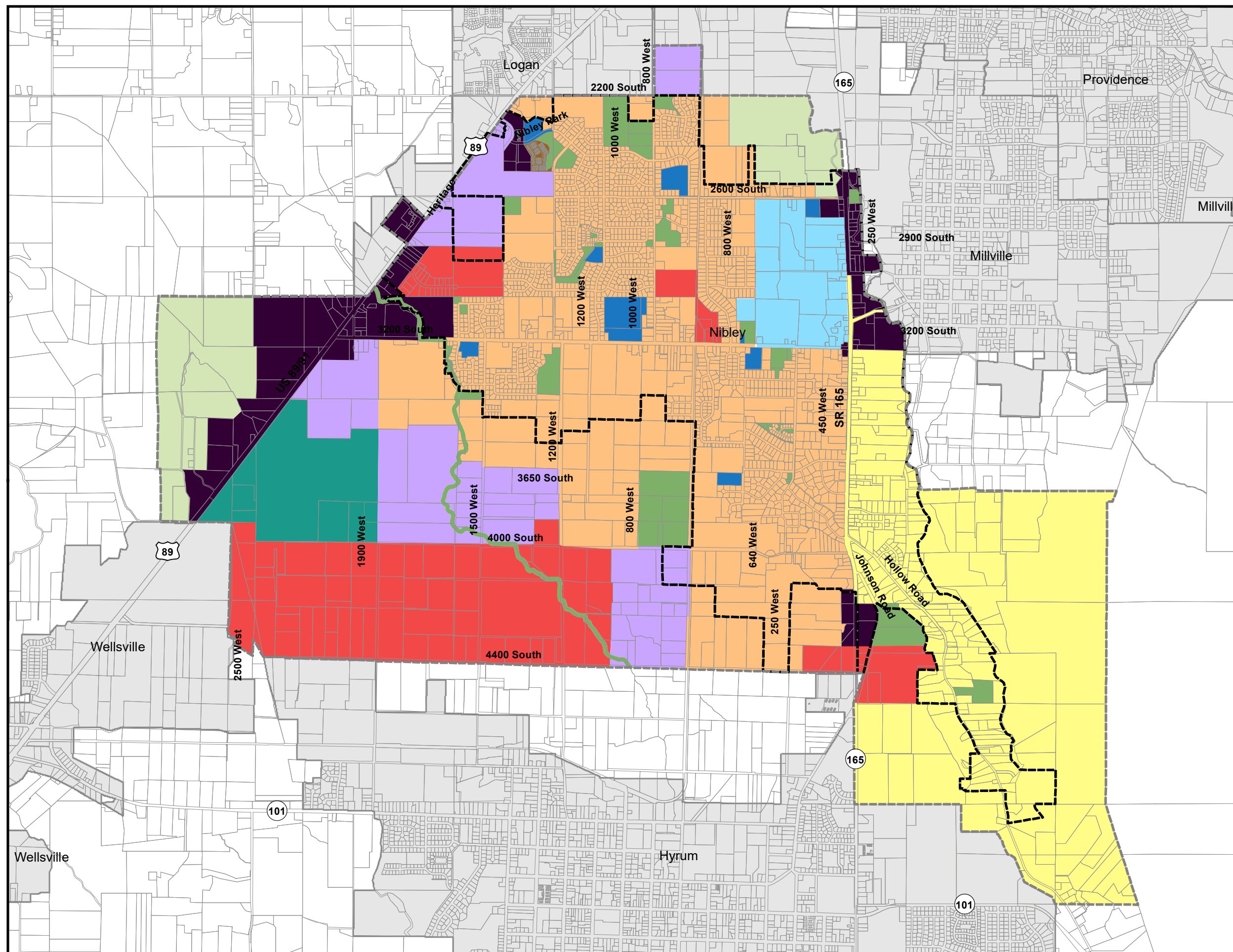
- Nibley Municipal Boundary 2020
- Annexation Declaration Boundary

Future Land Use

- Parks, Open Space, and Trails
- Agriculture
- Open Space, Agriculture, and Low Density Residential
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Commercial and Medium to High Density Residential
- Commercial
- Industrial
- Municipal, Schools, and Churches
- Town Center



0 1,400 2,800 4,200 Feet



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