

A Meeting of the Nibley Planning Commission held at Nibley City Hall, 455 West 3200 South, Nibley, Utah on Thursday, July 01, 2021.

The following actions were made during the meeting:

Planning Commission Chair, Tyler Obray called the Thursday, July 01, 2021 Planning Commission meeting to order at 6:32 p.m. Those in attendance included Commissioner Tyler Obray, Commissioner Karina Brown, Commissioner Garrett Mansell, Commissioner Matt Logan, Commissioner Bret Swenson and Alternate, Commissioner Ryan Werner. Mr. Levi Roberts, Nibley City Planner was present. Jamie Ann Gonzales, Office Specialist was present to record the minutes.

Approval of the evening's agenda and 6-03-2021 meeting minutes

Commissioner Mansell moved to approve the evening's agenda. Commissioner Brown seconded the motion. The motion passed unanimously 5-0; with Commissioner Obray, Commissioner Brown, Commissioner Mansell, Commissioner Logan and Commissioner Swenson all in favor.

Commissioner Swenson moved to approve the previous meeting minutes. Commissioner Mansell seconded the motion. The motion passed 3-2; with Commissioner Brown, Commissioner Mansell and Commissioner Swenson in favor. Commissioner Obray and Commissioner Logan abstained.

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

Mr. Roberts utilized an electronic presentation entitled *Miniature Pigs* (a printed copy of this electronic presentation is included in the printed meeting minutes). Mr. Roberts gave background and a summary from the previous discussion. Commissioner Logan received clarification that the workshop was for consideration of miniature pigs as household pets. Mr. Roberts further clarified that the applicant was a potential Nibley resident, but would not move to the City until they could bring their miniature pigs with them. Alternate, Commissioner Werner asked what qualified a pig as miniature. Mr. Roberts said that most cities regulated by weight up to a maximum of one hundred fifty (150) pounds. He said that his research provided bias opinions. He discussed how other city planners treated the issue.

Commissioner Brown was impressed with the applicant's presentation at the previous meeting. She was in favor of allowing them as pets and included them in the Animal Land Use Regulations as household pets. Commissioner Swenson thought the applicants were persuasive. Commissioner Mansell would be in favor if the noise and smell would not have more of a negative impact than dogs and cats. Commissioner Brown pointed out that any pet can be a nuisance. Commissioner Obray thought there were some good pig owners but also some bad ones, which could also be said about dog owners. Commissioner Swenson was in favor if miniature pigs were given the same considerations as dogs and cats.

Mr. Roberts referred to *NCC 19.34 Animal Land Use Regulations* and explained permitted household pets and livestock. The Planning Commission discussed limitations to include miniature pigs as pets. Mr. Roberts noted *19.34.020 Definition* of household pet. The Commission discussed the language and the need for revision. Mr. Roberts said that he liked West Valley City's ordinance that defined all the household pets and allowed up to four (4). Commissioner Logan thought it was ridiculous and opened the door to weirdness. He did not want to change anything but appreciated the opportunity to tidy up the ordinance. Alternate, Commissioner Werner thought it was fun. Commissioner Swenson asked the question of spayed and neutered. Commissioner Mansell brought up licensing.

Mr. Roberts pointed out issues with the ordinance that could be changed and could propose something specific. He thought the livestock section was logical. Commissioner Logan suggested putting 19.34 on the next agenda. Commissioner Obray asked if .75 acres was big enough for a horse. The Commission discussed it. Alternate, Commissioner Werner thought it would make more sense if the area defined was not the lot size, but the amount dedicated for the livestock.

Commissioner Obray pointed out the smell from miniature pigs if owners did not take care of it. Alternate, Commissioner Werner asked if pigs were sometimes aggressive. Commissioner Obray read from Google that they were if unaltered or pregnant and dogs would naturally attack pigs. He shared a valuable lesson that he learn about smell from owning a horse. Commissioner Mansell suggested good code enforcement to address issues.

Commissioner Logan liked Mr. Robert's suggestion to come up with specific language for NCC 19.34 and hold a public hearing but was against the miniature pigs. Commissioner Obray asked about pigs as emotional support versus service animals. The Commission discussed service animals. Commissioner Brown recited a definition from online *"They're smart, quirky, clean and hypoallergenic pets. They have unique personalities and are easy to train."* Commissioner Swenson said he would be in favor if it was incorporated in the dog and cat formula and there was a weight limit. Commissioner Obray gave direction to have another workshop with the ordinance and continue the pig discussion and address other animals as they come up.

Workshop: Open Space Plan Review

Mr. Roberts utilized an electronic presentation entitled *Open Space Plan Review* (a printed copy of this electronic presentation is included in the printed meeting minutes). His presentation included Background, Considerations and Maps that designated Parks/Open Space, Existing Development, Wetlands, Agriculture, Flood Plains, Farmland and Hazard Zones. He pointed out the location for the future regional park but mentioned that the City could decide to develop it. He said that the Transfer Development Rights (TDR) could be used to ensure that development would not happen. He posed the question of what the priority for preservation from future development would be. He defined a TDR ordinance as *"a market-based solution to incentivize preserving open space while allowing higher density in areas that were okay with higher density."*

Alternate, Commissioner Werner clarified that the question was whether to have a rural feel in Nibley with pockets of higher density and pockets that are more rural. Mr. Roberts explained that a TDR would transfer open space to a larger area and there would be an incentive for someone to buy those development rights and transfer them to another piece of land. He said that the City needed to spell out where that would be.

Commissioner Logan brought up annexation discussion of the Albiston property. Commissioner Mansell wanted a sports complex. Commissioner Obray thought the only thing worth preserving was the ruralness of Highway 165. Mr. Roberts thought that TDRs would not encroach on property rights but instead gave an incentive not to develop. Commissioner Obray explained that the question was what to sacrifice in density to keep in open space. Commissioner Brown wanted an indoor recreation center. Mr. Roberts clarified her question about sending and receiving zones. Commissioner Obray disclosed that he owned acreage and an old house on Highway 165. He initiated discussion about his concerns utilizing Google Earth as a visual. The Commission discussed Planned Unit Developments (PUDs).

Mr. Roberts informed the Commission about the Hansen property and a potential open space subdivision on Highway 165. The Commission discussed it. Commissioner Swenson thought it was unrealistic to keep the highway open. Commissioner Mansell proposed a setback as an alternative to a TDR. Alternate, Commissioner Werner asked if there was another way to incentivize. The Commission discussed a possible area on Highway 165 for preservation. Mr. Roberts informed the Commission that the area was also eligible for a PUD. There was general consent for sending areas along the 165 corridor and the recreation center spot. The Commission discussed other areas.

Commissioner Obray suggested creating a buffer zone for development from an existing developed neighborhood and handle it through disclosure. Mr. Roberts said that a consultant was hired to do an analysis, but they needed background on the City's values. Commissioner Mansell expressed that his incentive for a TDR was a complex center and bigger City parks. Mr. Roberts explained that the City received a twenty-three thousand (23,000) dollar grant from UDOT for the consultant and a two thousand (2,000) dollar match from the City.

Alternate, Commissioner Werner wanted to preserve the general rural feel across Nibley, and he defined it as half acre lots. Commissioner Logan thought TDRs was a great idea but would not be in the end. The Commission discussed the attributes of ruralness. Commissioner Obray and Commissioner Brown thought rural was the pasture full of cows and horses and not half acre lots. Commissioner Werner thought half acre lots was an opportunity for gardens and other things in people's yards. Mr. Roberts pointed out from a code enforcement point of view, that it was also an opportunity for a lot of junk. He noted that property was generally taken care of on smaller lots.

Mr. Roberts stated that if Nibley City tried to do a TDR, it would be the first in the county. Commissioner Swenson wondered if TDRs were worth exploring if there was not that much available land. Mr. Roberts reiterated that the available land in discussion was based more on

the zoning than on the Future Land Use map. The Commission discussed the Future Land Use map. Commissioner Brown asked if there could be a survey given to the citizens. Mr. Roberts liked the idea. Alternate, Commissioner Werner thought opening it up to the citizens would be an “*incredible mess*.” The Commission discussed it. Commissioner Obray thought that based on the feedback from the Commission, the TDR was not going to go anywhere, and he did not want to waste time and taxpayer money. Mr. Roberts stated that City Council voted to budget for the grant to do the TDR. The Commission talked about the views that they liked in Nibley. Commissioner Swenson thought that anything over 10-acres was a good candidate for a TDR.

Commissioner Obray summed up feedback to give to the consultant with a mechanism to make larger lots and preserve vistas, and to consolidate larger park areas.

Workshop: Parcel Boundary and Lot Line Adjustments

Mr. Roberts utilized an electronic presentation entitled *Lot Line & Parcel Boundary Adjustments* (a printed copy of this electronic presentation is included in the printed meeting minutes). He said the reason for the workshop was to discuss the need for an additional City review process to ensure nonconforming lots were not created. Commissioner Mansell was in favor based on his work experience.

Commissioner Obray explained the problem in the ordinance with his property utilizing a visual on Google Maps. Mr. Roberts suggested including a provision to go from nonconforming to nonconforming, but not conforming to nonconforming. Commissioner Obray wanted to allow for a minor subdivision for a nonconforming lot.

Commissioner Swenson thought it was a good idea to have the oversight. He gave an example of a situation with his parents that almost created a nonconforming lot for them. Commissioner Mansell said that Logan was the only city in Cache County that required approval. Commissioner Obray liked the idea of having a review but wanted an appeal process. Mr. Roberts explained how the appeal process was set up. Commissioner Obray brought up liability. He said that if there was going to be a process there had to be a clause that allowed for logic and reason to win the day. Mr. Roberts thought that made sense. Commissioner Swenson gave an example of a house that can not build a garage because they were nonconforming. Commissioner Obray suggested further discussion with a code change. There was general consent for another workshop with proposed language, a logic and reason clause and appeal process. Commissioner Obray requested discussion of nonconforming lots.

Commissioner Swenson exited the meeting at 8:27 p.m.

Presentation: Planning Commissioner Training Requirements

Mr. Roberts utilized an electronic presentation entitled *Planning Commissioner Training Requirements* (a printed copy of this electronic presentation is included in the printed meeting minutes). He said the training was for cities over 5000.

Commissioner Swenson returned to the meeting at 8:29 p.m.

Commissioner Mansell exited the meeting at 8:32 p.m.

Mr. Roberts informed the Commission that staff would need to keep track of their training to make sure it was completed. The Commission discussed training options.

Commissioner Mansell returned to the meeting at 8:34 p.m.

Staff Report and Action Items

Mr. Roberts discussed action items which included:

- Animal Land Use Regulations for provisions related to miniature pigs
- Parcel Boundary and Lot line Adjustments

Mr. Roberts reported the following:

- City Council passed the Ridgeline Water agreement and the public notice ordinance
- City Council passed the public notices ordinance which refers to state code
- City Council continued the accessory structure ordinance and changed it from twenty (20) feet in height to fifteen (15) feet with a ten (10) foot setback
- A proposed right of way agreement for 2600 S between 1200 W and Highway 89/91

Commissioner Swenson left the meeting at 8:42 p.m.

Commissioner Obray adjourned the meeting at 8:44 p.m.

Attest: _____
Office Specialist