

A Meeting of the Nibley Planning Commission held at Nibley City Hall, 455 West 3200 South, Nibley, Utah on Thursday, December 02, 2021.

The following actions were made during the meeting:

Commissioner Swenson moved to recommend approval for Conditional Use Permit for Artisan Shop at 412 E 4300 S (Applicant: Larry Jacobsen) with the conditions recommended by staff. Commissioner Logan 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 Logan moved to recommend approval for Ordinance 21-21: Amending Accessory Dwelling Unit, Two-Family Housing and Mixed-Use Provisions as written, with the staff recommended code changes and with the condition to not restrict the height limit to the primary residence. There was no second. The motion failed.

Commissioner Swenson moved to recommend approval for Ordinance 21-21: Amending Accessory Dwelling Unit, Two-Family Housing and Mixed-Use Provisions with the staff recommended changes. Commissioner Mansell seconded the motion. The motion passed 4-1 with Commissioner Obray, Commissioner Brown, Commissioner Mansell and Commissioner Swenson in favor. Commissioner Logan dissented.

Commissioner Logan moved to recommend approval for Resolution 21-P1: A Resolution Adopting the 2022 Nibley City Planning Commission Meeting Schedule. 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.

Planning Commission Chair, Tyler Obray called the Thursday, December 02, 2021, Planning Commission meeting to order at 6:32 p.m. Those in attendance included Commissioner Tyler Obray, Vice-Chair Commissioner Karina Brown, Commissioner Garrett Mansell, Commissioner Matt Logan, Commissioner Bret Swenson and Alternate, Commissioner Ryan Werner. Mayor-Elect, Larry Jacobsen was present. Mr. Levi Roberts, Nibley City Planner was present. Mrs. Jamie Ann Gonzales, Office Specialist was present to record the minutes.

Approval of the evening's agenda, 10-21-2021 and 11-04-2021 meeting minutes

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

Commissioner Brown moved to approve 10-21-2021 and the previous meeting minutes. Commissioner Logan seconded the motion. The motion passed unanimously 5-0; with

Commissioner Obray, Commissioner Brown, Commissioner Mansell, Commissioner Swenson and Commissioner Logan all in favor.

Training: Land Use, Development, and Management Act – General Powers and Duties

Meg Ryan, Senior Land Use Manager with the Utah League of Cities & Towns provided training via Zoom on General Powers and Duties under the Land Use, Development, and Management Act (LUDMA). She utilized a visual presentation entitled *Land Use 101* (a printed copy of this electronic presentation is included in the printed meeting minutes.) She was disconnected due to technical difficulty.

Commissioner Obray brought up discussion regarding the end of his term on December 31, 2021.

Mayor-Elect, Larry Jacobsen informed the Planning Commission that his swearing in would occur on January 03, 2022.

Commissioner Mansell brought up discussion regarding appointment of Commissioner Vice-Chair. Mayor-Elect, Larry Jacobsen thought the Planning Commission should choose their own Vice-Chair.

Discussion and Consideration: Conditional Use Permit for Artisan Shop at 412 E 4300 S (Applicant: Larry Jacobsen)

Applicant, Larry Jacobsen was present. Mr. Roberts utilized an electronic presentation entitled *Artisan Shop CUP* (a printed copy of this electronic presentation is included in the printed meeting minutes). His presentation included *Background, Site Map, Potential Impacts and Staff Recommendation with conditions*.

Mr. Jacobsen disclosed a conflict of interest as Mayor-Elect of Nibley City. He brought examples of his small-scale wooden items. Commissioner Swenson asked how *industrial machinery* was defined in *NCC 19.04.010 Definitions Artisan Shop*. Mr. Roberts stated that industrial machinery was not defined in the code but added there was no industrial machinery as indicated by the applicant. Mr. Roberts replied that the City had a decibel meter, in response to Commissioner Mansell's question regarding measurement and enforcement of noise at less than 50 dBA. Commissioner Brown asked the applicant about product sales. Mr. Jacobsen discussed his participation at art shows and his intent to sell online through *Etsy*. He confirmed that there would not be any retail sales from the location.

Commissioner Swenson moved to recommend approval for Conditional Use Permit for Artisan Shop at 412 E 4300 S (Applicant: Larry Jacobsen) with the conditions recommended by staff. Commissioner Logan seconded the motion.

The recommended conditions were as follows:

- The operation of the artisan shop shall be limited to the hours of 7:00 am-10:00 pm.
- All wood production activities, including storage of materials, shall be limited to the wood shop noted on the provided site plan.

- All noise that emanates beyond the property boundaries associated with the proposed use shall be limited to less than 50 dBA.
- The business may not have more than one employee who does not live at the residence report to the location at a time.
- Retail sales at the property shall be prohibited, with the exception of online sales.
- Deliveries associated with the business shall be limited to no more than ten per week.

The motion passed unanimously 5-0; with Commissioner Obray, Commissioner Brown, Commissioner Mansell, Commissioner Logan and Commissioner Swenson all in favor.

Commissioner Brown left the meeting at 6:57 p.m.

The training resumed at 6:59 p.m. Meg Ryan's agenda included *Review of statutory duties LUDMA, What is my Job? and Q&A.*

Her discussion included the following topics:

- Lots Of Acronyms
- Why You Care About Land Use For Your Community
- What The State Law Says
- Who Does What In Land Use
- What To Do/Where To Get Help

Commissioner Brown returned at 7:03 p.m.

The training ended at 7:58 p.m.

Public Hearing: Ordinance 21-21: Amending Accessory Dwelling Unit, Two-Family Housing and Mixed-Use Provisions

Commissioner Obray opened the public hearing at 6:33 p.m.

Commissioner Obray closed the public hearing at 6:34 p.m.

Discussion and Consideration: Ordinance 21-21: Amending Accessory Dwelling Unit, Two-Family Housing and Mixed-Use Provisions

Mr. Roberts utilized an electronic presentation entitled *ADUs, Two-Family Housing, Mixed-Use* (a printed copy of this electronic presentation is included in the printed meeting minutes). His presentation included *Background, Updates, Issues, and Recommended Code Changes.*

Commissioner Obray asked how a *single-family lot* was defined. Mr. Roberts pointed out the revised code language. Commissioner Obray wanted clarification on state code regarding restrictions on Internal Accessory Dwelling Units (IADUs) with an existing Accessory Dwelling Unit (ADU). He also wanted clarification on amending the definition of *'Two-family housing'* to be inclusive of IADUs. Commissioner Logan liked the recommended code changes.

Commissioner Mansell asked about existing applications. Mr. Roberts said there was interest but there have not been any applications. He gave an example from a discussion, regarding interest in an ADU but the height restriction was problematic. Alternate, Commissioner Werner questioned the height restriction. Mr. Roberts thought the owner-occupied code change was a barrier. For a home occupation, Commissioner Obray clarified that the business owner needed to reside in the ADU.

Commissioner Obray went through all the recommended code changes one by one for clarification and questions. Alternate, Commissioner Werner received clarification on the definition of *family*. The Commission discussed the owner-occupied requirement. Commissioner Logan brought up discussion regarding the height restriction. He and Alternate, Commissioner Werner thought it was too restrictive. Mr. Roberts recited the height restriction in NCC 19.24.250 Accessory Dwelling Unit Standards (E)1(e) *Detached accessory dwelling units shall be limited to two stories and shall not exceed the height of the primary single-family dwelling*. He clarified the changes made by City Council to the setbacks. The Commission discussed setbacks, height requirements and commercial/residential mixed use home occupations.

Commissioner Logan moved to recommend approval for Ordinance 21-21: Amending Accessory Dwelling Unit, Two-Family Housing and Mixed-Use Provisions as written, with the staff recommended code changes and with the condition to not restrict the height limit to the primary residence. There was no second. The motion failed.

Commissioner Swenson moved to recommend approval for Ordinance 21-21: Amending Accessory Dwelling Unit, Two-Family Housing and Mixed-Use Provisions with the staff recommended changes. Commissioner Mansell seconded the motion. The motion passed 4-1 with Commissioner Obray, Commissioner Brown, Commissioner Mansell and Commissioner Swenson in favor. Commissioner Logan dissented.

Discussion and Consideration: Resolution 21-P1: A Resolution Adopting the 2022 Nibley City Planning Commission Meeting Schedule

Mr. Roberts presented the proposed 2022 Planning Commission Meeting Schedule.

Commissioner Logan moved to recommend approval for Resolution 21-P1: A Resolution Adopting the 2022 Nibley City Planning Commission Meeting Schedule. 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.

Staff Report and Action Items

Mr. Roberts reported on the following:

- 12-16-2021 cancelled PZ meeting
- Nibley Meadows
- Preliminary plats under review

- Ridgeline Park RFP
- TDR Ordinance Steering Committee

Commissioner Obray adjourned the meeting at 8:56 p.m.

Attest: _____
Office Specialist