
**City of Nibley
Planning Commission
Held at Nibley City Hall
455 West 3200 South
Nibley, UT 84321
Thursday May 18, 2023**

Call to Order – Roll Call – Approval of Agenda – Approval of Minutes

Meeting called to order at 6:30 p.m.

Present: Commission Chair Garrett Mansell, Commissioner Matt Logan and
Alternate Commissioner Clair Schenk

Commissioner Tyler O Bray arrived at 6:36 p.m.

Absent: Commissioner Chair Bret Swenson and Commissioner Karina Brown

Staff Present: City Planner Levi Roberts and Assistant Recorder Jamie Ann Gonzales

Guests Present: Mayor Larry Jacobsen

Applicants:

There was general consent for the evening's agenda.

There was general consent for May 4, 2023, meeting minutes.

Public Hearing: Ordinance 23-23: Rezone Parcel 03-125-0014, located at 2700 South 800 West from P/S (Park/School) to A (Agricultural)

Mr. Roberts gave a short explanation for the proposed rezone while utilizing a visual of the parcel on the Nibley City GIS Viewer (a printed copy of the parcel viewer is included in the printed, record copy of the meeting minutes).

He stated that it was staff's recommendation to approve the rezone which was initiated by the city and not another applicant.

Commissioner Mansell went over the rules for public comment.

He opened the public hearing at 6:35 p.m.

Roxie Christensen – 2480 S 660 W

[00:04:34] Well, my name is Roxie Christensen. My address is 2480 South, 660 West in Nibley. And we think this is a good idea because we have after being spending time down at the farm, we have worked with different like Utah State Extension and we've worked on some different grants to hopefully revitalize the farm and we have a large vision for it with an overarching goal to bring it to life, keep its unique heritage of the farm and and preserve those spaces, but also to educate the public on those spaces because of the historical nature of the buildings it lends itself to grants like museum arts and museum grants that we could get. We've worked with the extension on gardens and they have a whole plan and have included us in a county grant that I'm not sure the specifics I know they had to write up to 100,000, but could go up to a million countywide for gardens. And so they put us into that

Commissioner Obray arrived at 6:36 p.m.

and we have an overall plan there. So over time, obviously it's to preserve that space and educate. Then we have three kind of sub goals to achieve that. So they're short term goals. The first one would be the gardens, the second one would be to kind of provide that historical setting with the animals that the public comes in, gets to interact with those animals as they're doing now, but just that they know that that's a place they can go because many times most people are like, Oh, I didn't know I could come here except for maybe the Live Nativity, or I thought that the house next door or things like that. And then thirdly, we want to create a 4H space. So that could be all sorts of things. The gardening is one of those things. But then also we want to like a house 4H animals, for kids that can otherwise do that here. So we think that there's a lot of things that the farm can offer the community and there seems to be a good response to it. We also want to be very neighborly to those around. So we've been kind of talking to some neighbors as we see them out and kind of seeing what we can do to better that space. And that's been really insightful and we have people who are really willing to work with us and are excited to hear that there's people there that want to improve that space. [00:07:09][155.7]

Heather Nelson – 2750 S 830 W

[00:07:20] I'm too short to stand up here. I'm Heather Nelson, I live at 2750 S 830 W, in Nibley so I live right across from the Morgan farm. Um, I've grown up in Nibley my whole life, and I know that my life has been changed because of the farm. It has been a place where we live in a community that has historically been a farming community that is one of the few farms left. And I know that I have been so fortunate to be able to learn about the agricultural world because of the farm. And I know that this motion of rezoning it to agricultural space will provide that opportunity for many more people um, such as my family, my friends and neighbors, and all the rest of those people here in the community. [00:08:02][0.1]

Larry Jacobsen – 412 E 4300 S

[00:08:12] Okay. I'll be brief. Larry Jacobsen 412 E 4300 S in Nibley. Somebody should probably speak on behalf of the city since the city is the landlord here. The City Council will have plenty of opportunity to weigh in on this after your recommendation. So I won't. I won't try to give you what I think the City Council will do, But I applaud you guys and city staff for making the darn city

enforce their own ordinance. So as a school park, there should not be any animals there. To me, it seems like and this is my opinion now, animals do belong there. And so I think the rezone is appropriate [00:09:00][48.2]

Commissioner Mansell closed the public hearing at 6:39 p.m.

Discussion and Consideration: Ordinance 23-23: Rezone Parcel 03-125-0014, located at 2700 South 800 West from P/S (Park/School) to A (Agricultural)

Commissioner Schenk received a response to his question regarding the acreage. He asked if all the animals were owned by the city and if it was rented out. Mayor Jacobsen responded that the land was owned by Nibley City but not the animals. He informed the Commission that Richard Eversull had managed the farm on behalf of the city with budgetary funds. He stated that the city was transferring that stewardship from Richard to Roxie and Mike Christensen.

Commissioner Schenk asked about a fee for the animals that were kept there. Mayor Jacobsen responded that the city was leaving that up to management. Mrs. Christensen explained that they were at the beginning stages of figuring that out. She said they allowed 4-H to come this year with no fee to be able to share it with the community. She informed the Commission that those who kept their animals at the farm had to take care of the property as the “payment”. She added that they would like to find a way for the farm to generate revenue to sustain itself. Commissioner Schenk thought there should be a fee for private animals.

Commissioner Logan thought the rezone made total sense.

Commissioner Obray did not have any questions or concerns.

Commissioner Mansell was concerned about amending the farm in the Master Plan. Mr. Roberts said it was his opinion that it was still open space and was an appropriate zoning designation. He said it did not need to be amended.

Commissioner Mansell asked about the plans for the barn because it was unsafe. Mrs. Christensen replied that one day the barn would probably fall and they were trying to build it as a space for the community. She said they were working on maintaining it for as long as they could and applied for a grant. She informed the Commission that most of the year’s budget would go toward fixing the barn and the top grant writer at Utah State University was looking for private donations. She reiterated that there were *Do Not Enter* signs on the barn doors that were being observed.

Commissioner Logan brought up a study regarding the expenses to maintain the farm. Mayor Jacobsen said it was his recollection that *J-U-B Engineering* looked at it being about \$190 to \$200,000.

Action: Recommend approval of Ordinance 23-23: Rezone Parcel 03-125-0014, located at 2700 South 800 West from P/S (Park/School) to A (Agricultural)

Motion: Commissioner Logan

Second: Commissioner Schenk

Commissioner Schenk recommended a machine that would dispense feed for people to purchase.

Vote: Unanimous; 4-0

Public Hearing: Ordinance 23-24: Modifications to the definition of dwelling unit and limits to single family designation

Mr. Roberts utilized the ordinance to give an explanation (a printed copy of the ordinance is included in the printed, record copy of the meeting minutes). He spoke to the implications in the code for animal regulations and dogs. He discussed the suggested changes to the limit on the number of unrelated individuals in the home to bring the code compliant with the state.

He stated that it was staff's recommendation to approve the ordinance. He mentioned that it was reviewed by the City Attorney and the version that was in the packet posted to the public was a little different. He explained that the edits in red were the ones that he made and the blue edits were from the attorney.

Commissioner Mansell opened the public hearing at 6:59 p.m.

Seeing no public comment, Commissioner Mansell closed the public hearing at 6:59 p.m.

Discussion and Consideration: Ordinance 23-24: Modifications to the definition of dwelling unit and limits to single family designation

Mr. Roberts explained livestock on a .75 lot with a 1200 square foot ADU (Accessory Dwelling Unit) in response to Commissioner Logan. Commissioner Logan stated it should not be big enough for a horse, let alone another dwelling unit.

Commissioner Schenk received clarification on the grandfathering clause.

Commissioner Mansell received clarification on the number of dogs per household.

Commissioner Logan's only concern was not enough room on a .75-acre lot for another dwelling unit and a horse.

Mr. Roberts explained that there were other restrictions and setbacks on animal housing.

Commissioner Obray asked about any existing conflict with animal use. Mr. Robert responded that there were properties that were non-compliant. Commissioner Obray agreed with Commissioner Logan that .75 acres was a small parcel for a horse.

Commissioner Mansell had a problem with two (2) dogs allowed in each dwelling unit on a single parcel and did not want to allow it. He said his number one complaint was "piles of crap" everywhere because most dog owners did not pick up after their dogs. Mayor Jacobsen added that there was an ordinance for it.

Commissioner Obray thought that if there was an ADU, two (2) dogs should be allowed in one dwelling unit and one (1) dog allowed in the other.

Action: Recommend approval of Ordinance 23-24m with the amendment that the number of household pets be limited to the minimum number per parcel and not per household.

Mr. Roberts wanted clarification regarding apartments. Commissioner Obray said they would deal with that when there were apartments.

Motion: Commissioner Logan
Second: Commissioner Schenk

Commissioner Obray thought there should be two (2) [dogs] per parcel but the ADU should allow at least one (1) [dog]. The Commission discussed ADUs.

Commissioner Obray wanted a two (2) dwelling parcel to have a maximum of three (3) animals [dogs] and a single dwelling parcel with a maximum of two (2) [dogs]. He said he did not want to open it up to three (3) on a single dwelling parcel.

The Commission discussed it.

Vote: Motion Failed; 2-2
Commissioner Mansell and Commissioner Schenk in favor
Commissioner Obray and Commissioner Logan dissented

Mayor Jacobsen received clarification on the motions.

Action: Recommend approval of Ordinance 23-24: Modifications to the definition of dwelling unit and limits to single family designation with the modification to allow a maximum of two (2) animals [dogs] per single dwelling parcel and up to three (3) animals [dogs] for a two (2) dwelling parcel
Motion: Commissioner Obray
Second: Commissioner Logan

The Planning Commission discussed it.

Vote: Unanimous; 4-0

Mayor Jacobsen left the meeting at 7:24 p.m.

Workshop: Land Use Chart Review

Mr. Roberts utilized *NCC 19.20.020 Land Use Chart* to highlight the recommended changes submitted by Commissioner Mansell, Commissioner Swenson, and Commissioner Schenk (a

printed copy of the chart is included in the printed, record copy of the meeting minutes).

Mr. Roberts reminded the Commission about the meaning of the highlights.

The Planning Commission went on to discuss each *Commercial Use* and recommended changes to the zones. Mr. Roberts made track changes to the ones generally agreed upon.

Staff Report and Action Items

Mr. Roberts reported on the following:

- Mid-Year Cache Summit

Commissioner Mansell adjourned the meeting at 8:35 p.m.

ATTEST:

Jamie Ann Gonzales, Assistant Recorder