

The Meeting of the Nibley Planning and Zoning Commission held at Nibley City Hall, 455 West 3200 South, Nibley, Utah on Wednesday, April 27, 2016.

The following actions were made during the meeting:

Commissioner Green motioned to approve the conditional use permit and business license for Brows by Sahm King located at 746 West 2475 South; applicant, Samantha King with the condition that no license will be issued until Ms. King can present the City with paperwork showing she has been properly licensed by the State of Utah. Commissioner Johnson seconded the motion. The motion passed unanimously 4-0; with Commissioner Green, Commissioner Johnson, Commissioner Swenson, and Commissioner Albrect all in favor.

Commissioner Green motioned to approve the conditional use permit and business license for Restaurant & Home Cleaning located at 110 West 2600 South #24; applicant, Simon Soto. Commissioner Johnson seconded the motion. The motion passed unanimously 4-0; with Commissioner Green, Commissioner Johnson, Commissioner Swenson, and Commissioner Albrect all in favor.

Commissioner Green motioned to recommend the City Council adopt the amendment to the Nibley City annexation boundaries. Commissioner Johnson seconded the motion. The motion passed unanimously 4-0; with Commissioner Green, Commissioner Johnson, Commissioner Swenson, and Commissioner Albrect all in favor.

Commissioner Green motioned to recommend the City Council adopt the 2016 Nibley City General Plan. Commissioner Albrect seconded the motion. The motion passed 4-0; with Commissioner Green, Commissioner Albrect, Commissioner Swenson, and Commissioner Johnson all in favor.

Planning and Zoning Commission Co-Chair Brett Swenson called the Wednesday, April 27, 2016 Planning and Zoning Commission meeting to order at 5:32. Those in attendance included Commissioner Bill Green, Commissioner Bret Swenson, Commissioner Carol Albrect, and Commissioner Jim Johnson. Ms. Shari Phippen, Nibley City Planner, was also present. Commissioner Dave Davenport was excused from the meeting.

Approval of 04-13-16 meeting minutes and the evening's agenda
General consent was given for the evening's agenda.

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

Conditional Use Permit/ Business License

Brows by Sahm King—discussion and consideration of an application for a conditional use permit/business license for a home occupation (permanent cosmetics) located at 746 West 2475 South (Applicant: Samantha King)

The applicant, Samantha King, was not present at the meeting.

Ms. Phippen referred the Planning and Zoning Commission to the definition of a home occupation and said if the business met this definition then it can be licensed as a home occupation without regard for the type of business being conducting providing the business is legal.

“The use of a portion of a dwelling as an office, studio, or workroom for occupations which are conducted in the home and are incidental to the primary use as a home or residence; provided additionally that: 1) individuals who perform occupation related activities at the home occupation residence must also live at that residence; 2) individuals who do not live at the home occupation residence must not report to that residence for occupation related activities; and 3) the occupation shall not use any accessory building, yard, or any space outside the main building not normally associated with residential use. Applications meeting these criteria may (as determined by the appropriate land use authority) be classified a home occupation rather than being classified by the actual activity associated with the business, with the following exceptions. Child daycare/preschool for more than eight (8) children shall be classified as a commercial daycare rather than a home occupation. In addition, activities involving the sale, service, leasing and/or rental of motor vehicles shall not be classified as a home occupation.”

Ms. Phippen said Ms. Kings’ application said she wouldn’t have outside employees but would have client visits to her home but the nature of the business was such that she could only have one client at a time and no more than three (3) client visits per day. Ms. Phippen said there was sufficient off-street parking at the home to allow for client visits. Ms. Phippen said Ms. King is required to have a license through the state of Utah through the Division of Occupational and Professional Licensing. DOPL set out regulations for permanent cosmetics and other similar businesses.

Ms. Phippen said this business met the requirement to be classified and approved as a home occupation and was located in the Residential R-2 zone. Ms. Phippen recommended the Planning and Zoning Commission approve the business license and conditional use permit with the condition that Ms. King present the appropriate paperwork showing she has been properly licensed with the State of Utah. Ms. Phippen said Ms. King had run into some delays with the State licensure process because her property backed up to an elementary school and the State considers permanent cosmetics the under the same umbrella as a tattoo parlor. Ms. Phippen discussed requiring that all future applicants show any required state licenses prior to being approved by the City. Commissioner Johnson said State laws trumped city laws and suggested if the city gave a license that wasn’t hadn’t been approved by the state then it really wasn’t an approved occupation until the State approved it. He

said applicants should show proof of their State licensure because they can't grant a license to do something that is contrary to what the State says the city can do. Ms. Phippen felt the requirement would be wise going forward.

Commissioner Green made a motion to approve the conditional use permit and business license for Brows by Sahm King located at 746 West 2475 South; applicant, Samantha King with the condition that no license will be issued until Ms. King can present the City with paperwork showing she has been properly licensed by the State of Utah. Commissioner Johnson seconded the motion. The motion passed unanimously 4-0; with Commissioner Green, Commissioner Johnson, Commissioner Swenson, and Commissioner Albrect all in favor.

Restaurant & Home Cleaning—discussion and consideration of an application for a conditional use permit/business license for a home occupation (cleaning) located at 110 West 2600 South #24 (Applicant: Simon Soto)

The applicant, Simon Soto, was not present at the meeting.

Ms. Phippen said Mr. Soto's application stated that he will not have any client visits, outside employees will report only to the work site, and all equipment and chemicals related to the business will be stored at the respective job sites. Ms. Phippen said this business met the requirements to be classified and approved as a home occupation. Ms. Phippen said the property was zoned Residential R-2 and the Nibley City Land Use Chart allows for home occupations, as a conditional use, in the R-2 zone. Ms. Phippen said she recommend approving the request and had no suggested conditions.

Commissioner Johnson said he would offer the same condition that she be required to show proof that she had the proper licensure from the state unless they had absolute proof that no such licensure was required. Commissioner Green disagreed with Commissioner Johnson and felt this was the same conditions that were required if someone were to go out and mow lawns. Ms. Phippen read the occupations that required a license from the Utah Division of Occupational & Professional Licensing (DOPL) website.

Commissioner Green made a motion to approve the conditional use permit and business license for Restaurant & Home Cleaning located at 110 West 2600 South #24; applicant, Simon Soto. Commissioner Johnson seconded the motion. The motion passed unanimously 4-0; with Commissioner Green, Commissioner Johnson, Commissioner Swenson, and Commissioner Albrect all in favor.

A public hearing to receive comments concerning an amendment to the Nibley City annexation boundaries

Commissioner Swenson gave rules and direction to the public present.

Commissioner Swenson opened the public hearing at 5:49 p.m.

Richard Leishman said he lived on the highway. He asked if the city had been approached about this land being annexed in? Ms. Phippen said they hadn't. Mr. Leishman asked why Nibley reaching for it? Ms. Phippen said the city was required to have a policy or map in place that shows parcels of land that it will consider for annexation and was a typical part of the general plan update process. Ms. Phippen said that because the city had purchased some property next to these annexation areas they had an active interest in what went on in the surrounding properties. She said the lands to the north were not in Nibley's annexation plan. Ms. Phippen said if development went on next to the nature park they wanted to have some ability to have a say in what would go on in that property. Ms. Phippen said property owners can choose which city they annex into and it wasn't uncommon for city's annexation maps to overlap and it was possible for a property owner to de-annex from one city into another. Mr. Leishman asked if the property owners had been notified that they would be annexed in to Nibley City? Ms. Phippen said they weren't being annexed into Nibley City. She said this was an annexation proposal. Ms. Phippen reiterated that cities often had overlapping annexation boundaries and this gave property owners more choices about annexation. She said they had told property owners that they couldn't be annexed into Nibley because they weren't in Nibley's annexation plan. Ms. Phippen described where annex areas overlapped or touched.

Commissioner Johnson said this was also not a commitment to property owners that they would be annexed in.

Seeing no further comment, Commissioner Swenson closed the public hearing at 6:00 p.m.

Discussion and consideration of an amendment to the Nibley City annexation boundaries

Commissioner Swenson asked why they were limiting themselves to a small area and why they didn't expand out further especially when they had the right to refuse annexation. Ms. Phippen talked about an informal agreement with Hyrum City. She said they could go bigger but she preferred to take "baby steps." Ms. Phippen said the Planning and Zoning Commissioners could make the recommendation to go further south. Commissioner Swenson thought they needed to make it bigger.

Ms. Phippen and the Planning and Zoning Commission discussed areas represented on the annexation map and the map legend.

Commissioner Green made a motion to recommend the City Council adopt the amendment to the Nibley City annexation boundaries. Commissioner Johnson seconded the motion. The motion passed unanimously 4-0; with Commissioner Green, Commissioner Johnson, Commissioner Swenson, and Commissioner Albrect all in favor.

A public hearing to receive comments concerning an ordinance adopting the 2016 Nibley City General Plan

Commissioner Swenson opened the public hearing at 6:11 p.m.

Barbara Wilden at 660 West 3200 South said she had read the draft General Plan but didn't understand all of it. She said she got the general idea and was concerned because she hadn't seen much of the use of the word "rural" in the proposed Master Plan.

Mrs. Wilden read from the current General Plan and referred to "rural fabric", "rural character", "rural region", "heritage of a rural farming community", the city vision of encouraging the preservation of open space and the "rural heritage of Cache Valley", "rural types of residential living", and "rural flavors to architecture" Mrs. Wilden said the new General Plan said nothing about "rural" in the new city mission statement and noted the use of the word "semi-rural". She wondered when Nibley had become semi-rural. She said it was disturbing to her when land was taken out of the green belt and developed because it couldn't be undone. Mrs. Wilden said Nibley City was a bedroom community and would never have the resources of Logan because they were too close to Logan. Mrs. Wilden said the citizens of Nibley were concerned about being rural and read statistics taken from a past survey conducted in Nibley City. Mrs. Wilden read minutes from the last meeting minutes and page 6 of the last general plan and development that is consistent with the residents of Nibley City and its core values. Mrs. Wilden said the core value of Nibley's residents was a rural atmosphere and should be included in this new plan.

Richard Leishman discussed the growth and development in Nibley City. He said his opinion was that Nibley didn't need to look like Logan, Odgen, or Salt Lake. He discussed how Hyrum and Smithfield couldn't hold businesses. He said that no one would stop in Nibley. Mr. Leishman said Nibley was growing as a bedroom community and couldn't accommodate business. Mr. Leishman asked the Planning and Zoning Commission to keep geographical land in mind and discussed a flood plane plan he was involved in. He asked the Planning and Zoning Commission to be careful and understand what they were sitting on. He said the General Plan was a necessity in order to plan for an orderly growth.

Angelica Gardner of 2617 South, Main Street said she appreciated the Planning and Zoning Commission's service. She shared her upbringing in Germany and how things had developed in Nibley. She asked the Planning and Zoning Commission to keep in mind that they didn't want to have a community that was just one block after another and asked them to keep the feeling in Nibley.

Seeing no further comments, Commissioner Swenson closed the public comment period at 6:26 p.m.

Ms. Phippen said that in Utah, every property owner felt they had the absolute right to do whatever they wanted on their property and that every decision cities make relative to regulating land use is viewed in light of that. She summarized that a property owner had the right to turn their farm land into a bunch of houses and

short of the city purchasing those properties the city cannot stop this. Ms. Phippen said they needed to find the proper balance between preserving rural character but still maintaining and supporting a property owners right to develop their property as they choose. She said this was why the city had a conservation subdivision ordinance, or cluster subdivision ordinance, open space requirements, streetscape, planted medians, parks and recreation, ect. She said these things equated to better health and a better community.

Commissioner Johnson said the city's major tool in balancing development was in the zoning. Commissioner Johnson said they had the responsibility as they go through with the city's plan that they had a zoning piece to it the managed that development process and does it in a reasonable way to where the city grows and people can exercise their property rights according to a plan that makes sense. Commissioner Johnson asked Mrs. Wilden if she had any thoughts of how the process of going from a rural community to a place of half-acre houses was managed while allowing property owners to exercise the rights they felt they had? Mrs. Wilden said she felt zoning was the thing and described living in Logan. Commissioner Albrect talked about socio-economic statistics in Nibley.

Discussion and consideration of an ordinance adopting the 2016 Nibley City General Plan

Chrissy Gilmore was present representing Logan Simpson Design.

Commissioner Albrect said she was concerned about the water table. She knew there was concern about more development in marshy land and said they needed to leave open land for drainage. Ms. Phippen said every subdivision was required to make provision for the amount of impervious surface that could no longer handle water and provide storm water basins that can accommodate that same amount of water. Commissioner Albrect discussed social trends of more and more single, young adults that didn't want to buy a big home. She asked if they wanted to provide for this type of diversity in Nibley's population. Ms. Phippen said the proposed general plan specifically addressed this and said she had been given walking orders to provide an ordinance that allowed for a greater diversity of housing types and densities. She said the trade-off would be that a developer would be required to set aside are large portion of open space. Commissioner Albrect thought this was a great compromise. Commissioner Johnson asked if there were federal laws requiring them to provide equal housing opportunities in the community? Ms. Gilmore said that Nibley City currently met the affordable housing requirement. Ms. Phippen said they were fairly well set on the affordable housing requirement because of the Neighborhood Non-Profit Housing Process that the city projected had them set for the next ten years.

Mr. Leishman said he was interested and concerned about Planning and Zoning and the way it was looked at and planned out. He said he agreed with Shari that it was a developer's market and that they should have the right to their own land. He said there were very few original landowners and that when land was sold it was usually

sold to developers who only knew how to grow houses. Mr. Leishman discussed historical trail plans, field drains, and impact fees. Ms. Phippen said Nibley City recently had their field drains mapped and that the engineer consulted this map when construction drawings were presented.

Commissioner Green made a motion to recommend the City Council adopt the 2016 Nibley City General Plan. Commissioner Albrect seconded the motion. The motion passed 4-0; with Commissioner Green, Commissioner Albrect, Commissioner Swenson, and Commissioner Johnson all in favor.

There was general consent to adjourn at 6:57 p.m.