
**City of Nibley
Planning Commission
Held at Nibley City Hall
455 West 3200 South
Nibley, UT 84321
Thursday February 08, 2024**

The following actions were made during the meeting:

Commissioner Kenczka made a motion to recommend approval of Ordinance 24-02: Rezone Parcel 03-018-0015 & a portion of parcel 03-017-0012. Located at 1150 W 3200 S from Residential (R-2) to Residential (R-2A) with the findings and conditions of staff. Commissioner Brown seconded the motion.

Commissioner Obray made a motion to amend item #1 on the staff recommendation to include that the property swap ratio for the city to the developer is no less than 1-1 for the city. Commissioner Swenson seconded the motion.

Voting on the motion to amend item #1 on the staff recommendation was as follows:

- Commissioner Schenk voted in favor.**
- Commissioner Swenson voted in favor.**
- Commissioner Brown voted in favor.**
- Commissioner Obray voted in favor.**
- Commissioner Kenczka voted in favor.**

The motion passed unanimously 5-0.

Voting on the motion to recommend approval of Ordinance 24-02 was as follows:

- Commissioner Schenk voted in favor.**
- Commissioner Swenson voted in favor.**
- Commissioner Brown voted in favor.**
- Commissioner Obray voted in favor.**
- Commissioner Kenczka voted in favor.**

The motion passed unanimously 5-0.

Commissioner Obray made a motion to recommend approval of Ordinance 24-03: Development Agreement with R & W ENTERPRISES INC, together with PROJECT VALOR to allow construction of one (1) casita on Parcel 03-7020-0018, located at 110 W 2600 S, to house transitioning and/or homeless veterans within a legally non-conforming mobile home park, setting forth conditions and standards for its construction with the additional condition that the property owner receives no net profit from the pad rental for the Casita. Commissioner Kenczka seconded the motion.

Voting on the motion to recommend approval of Ordinance 24-03 was as follows:

Commissioner Obray voted in favor.
Commissioner Kenczka voted in favor.
Commissioner Swenson voted in favor.
Commissioner Brown voted in favor.
Commissioner Schenk voted against.
The motion passed 4-1.

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

Commission Chair Clair Schenk called the meeting to order at 6:31 p.m.

Present: Commission Chair Clair Schenk, Commissioner Bret Swenson, Commissioner Karina Brown (via Zoom), Commissioner Nick Kenczka, Commissioner Tyler Obray, Commissioner Troy Ribao

Absent:

Staff Present: City Planner Levi Roberts, City Engineer Tom Dickinson, Assistant Recorder Taelor Ogden

Applicants: Josh Barnes, Michael Fortune, Rod Rounds

Guests Present: Mayor Larry Jacobsen

There was general consent for the evening's agenda.

There was general consent for the January 18, 2024 meeting minutes.

1. Public Hearing: Ordinance 24-02: Rezone Parcel 03-018-0015 & a portion of parcel 03-017-0012. Located at 1150 W 3200 S from Residential (R-2) to Residential (R-2A)

Mr. Roberts utilized an electronic presentation entitled *1150 W 3200 S Rezone* (a printed copy of the presentation is included in the printed, record copy of the meeting minutes).

His presentation included:

- Background
- Vicinity Map
- Current Zoning
- Future Land-Use
- Site Proposal
- Summary of Applicant Statement
- General Plan Guidance

- Recommended Findings
- Staff Recommendation

Commissioner Schenk opened the public hearing at 6:43 p.m.

- **Fran Payne- 251 W 2600 S Nibley, UT**

“My name is Fran Payne, I was wondering why it needed to be rezoned to 2-A or to whatever it was, from R-2 to R-2,” [00:12:59- 00:13:07, P&Z02-08-2024 #1]

Commissioner Schenk asked Mrs. Payne to state her address.

“I live in Nibley, 251 W 2600 S.” [00:13:10- 00:13:14, P&Z02-08-2024 #1]

Commissioner Schenk answered her question by explaining that they are going to smaller lots (12,000 ft vs a half-acre) from an R-2 to an R-2A and they want to open more space to the South towards Nibley Meadows.

Commissioner Schenk closed the public hearing at 6:44 p.m.

2. Discussion and Consideration: Ordinance 24-02: Rezone Parcel 03-018-0015 & a portion of parcel 03-017-0012. Located at 1150 W 3200 S from Residential (R-2) to Residential (R-2A)

Troy Ribao asked when the land swap will be discussed. Mr. Roberts replied that the applicant decided the best process was to consider the rezone first and then work on a negotiation to swap the property. If staff recommendations are met, then the rezone would go into effect. City Council can ultimately decide if it is a good deal for the city. The developer doesn't want to pursue those negotiations before the rezone occurs.

Commissioner Obray verified that the proposed park space the city would receive is 1.34 acres not including the retention pond, and Mr. Roberts clarified that this is the just a concept plan of the possible layout, but it will be subject to a land-swap with the city and a preliminary plat.

Commissioner Obray then asked if the land swap needed to be discussed during this meeting and Mr. Roberts replied that it can be discussed whether this is a good idea but the finer details can be figured out through the negotiation process

Commissioner Obray pointed out that according to the GIS, Nibley could be trading over 1.82 acres and receiving 1.34 acres. He favored having this swap occur but would want an equal 1-to-1 swap foot by foot.

Commissioner Kenczka voiced that this makes sense to him and agreed that if this swap works within the General Plan then it makes sense.

Commissioner Swenson discussed being in favor of the open-space subdivision ordinance and that without the provision of open space in this proposal he would not be in favor. He asked what the size of the city-owned parcel in the concept plan is. Commissioner Obray stated that according to

the GIS, it looks to be 1.82 acres. Mr. Dickinson added that the concept plan is not exact and the land is about 1.8 acres. Commissioner Schenk asked how large Nibley Meadows to the South is. Mr. Roberts replied it is 4 ½ acres and it is adjacent to a stormwater basin that is about 1 ½ acres which adds up to about 6 acres of open space. Mr. Dickinson added that those are some things that staff considered- having the open space south adjacent to the open space of Nibley Meadows. Mr. Roberts added that the original concept plan did not include the city property that showed an R-2 subdivision and an R-2A subdivision, but it seemed like something more creative could be negotiated that would make better use of the open space. He discussed that the developer expressed that there was not an economic advantage on their end with the open-space subdivision with the previous plan but there would be with this concept plan.

Commissioner Swenson asked Mr. Roberts if the previously approved open space subdivision were to be developed. Commissioner Swenson then followed up by asking what is in it for the city and liked putting the city parcel to where it is being posed on the concept plan and agreed with Commissioner Obray that it needs to be a 1-to-1 swap. He added that he likes it because of the exchange of the open space and trusts city staff to ensure the city is protected but he is concerned that the retention pond may devalue the space and that it would be included in part of the exchange. Commissioner Obray clarified that the retention pond is city property so it should not be included in the 1-to-1 exchange.

Commissioner Schenk asked if Commissioner Brown had anything to add to which she negated.

Commissioner Schenk asked if the two parcels to the West and East of the proposed parcel are ½ acres (R-2) and if this rezone would affect them. Mr. Roberts pulled up the GIS online, showing that one parcel is .36 acres and the one to the East is several parcels that add up to an acre. For the second question he stated those other properties are not a part of the rezone.

Commissioner Obray asked if a previous open space subdivision requires the connectivity of trails and that there should be a trail on the East side of the property line. Mr. Roberts replied that Nibley Meadows is overseeing building a trail on the 1100 W right-of-way. Commissioner Obray surmised that instead of a trail from the property there will be a 1-acre park and Mr. Roberts clarified that it is adjacent so it will just be an extension of the pre-existing park.

Commissioner Kenczka asked if there are any standards regarding the property in relation to 1200 W, and he questioned about easement requirements to promote that kind of transportation on the road. Mr. Roberts replied that the city tried a landscape easement on 1200 W, but based on previous experience the area would need to be installed and maintained long term. Nibley City has a landscape easement on 800 W that they maintain, but the one on 1200 W was put on the plat and the property owner oversaw the upkeep which did not work out well. There is not a standard specifically for the roadway, but it could be incorporated into the design depending on the type of subdivision. This could be part of the negotiations of the land-swap.

Commissioner Kenczka asked if the applicant had anything to add. Applicant representative Josh Barnes discussed having a 3rd-party appraisal for the land swap. In response to Commissioner Obray's question, Mr. Barnes discussed the appraisal will be evaluated as it sits with raw land. He

added that their plan is to have 3 lots given up with the open-space subdivision and that the rezone is contingent on the land-swap occurring, otherwise it will be voided. He stated that the public benefit is the park expansion, allowing more connectivity to the northern area of the park via the road to help reduce congestion on the other side, and to increase the variety of homes in the area.

Action: Recommend approval of Ordinance 24-02: Rezone Parcel 03-018-0015 & a portion of parcel 03-017-0012. Located at 1150 W 3200 S from Residential (R-2) to Residential (R-2A) with the findings and conditions of staff.

Motion: Commissioner Kenczka

Second: Commissioner Brown

Commissioner Obray asked about what the findings are. Mr. Roberts informed him that the findings provide reasoning for the decision, which the commission can add to or take away. The findings give the reasons for the rezone and the conditions are that the rezone doesn't go into effect until the conditions are met. Additionally, if something is challenged in the future, it can be seen why the city made this decision in the public's best interest.

Commissioner Obray recommended amending Condition #1 by adding, "...Nibley Meadows park to the south of the property at a ratio of 1-to-1 square footage."

Commissioner Kenczka asked what if the appraisal comes back and it's not a 1-to-1 dollar to dollar. Commissioner Obray retorted that the appraisal will be determined on what the appraiser is told to do. Commissioner Swenson agreed with amending condition 1 to have a minimum equal square footage. Commissioner Obray added that he does like the concept of public-owned open space.

Action: Motion to amend item #1 on the staff recommendation to include that the property swap ratio for the city to the developer is no less than 1-to-1 for the city.

Motion: Commissioner Obray

Second: Commissioner Swenson

Vote: Unanimous; 5-0

Commissioner Schenk voted in favor.

Commissioner Swenson voted in favor.

Commissioner Brown voted in favor.

Commissioner Obray voted in favor.

Commissioner Kenczka voted in favor.

Vote: Unanimous; 5-0

Commissioner Schenk voted in favor.

Commissioner Swenson voted in favor.

Commissioner Brown voted in favor.

Commissioner Obray voted in favor.

Commissioner Kenczka voted in favor.

3. **Public Hearing: Ordinance 24-03: Development Agreement with R & W ENTERPRISES INC, together with PROJECT VALOR to allow construction of one (a) casita on Parcel 03-7020-0018, located at 110 W 2600 S, to house transitioning and/or homeless veterans within a legally non-conforming mobile home park, setting forth conditions and standards for its construction**

Commissioner Schenk called for a break at 7:10 p.m.

Commissioner Schenk resumed the meeting at 7:11 p.m.

Mr. Roberts utilized an electronic presentation entitled *Development Agreement for Casita in Mobile Home Park* (a printed copy of the presentation is included in the printed, record copy of the meeting minutes).

His presentation included:

- Background
- Unit Example
- Map
- Site Plan
- Summary of Applicant Justification
- Summary of Terms & Conditions
- General Plan Guidance
- Recommended Findings
- Staff Recommendation

Commissioner Schenk opened the public hearing at 7:18 p.m.

Applicant Michael Fortune stated the basis of this project is doing what they can for Veterans in need. Mr. Fortune discussed seeing veterans being hesitant to come forward for housing aid, and that one of the greatest reasons for this project is that there are many organizations for Veterans but there are few long-term housing situations. Project Valor is partnered with the Veterans' Association (VA) who will assist with vouchers to help fund and keep the property maintained, as well as providing wrap-around care. Project Valor is also partnered with the housing authorities at the Bear River Association of Governments (BRAG) to give veterans access to resources such as schooling, case workers, medical, etc. This gives veterans the opportunity to get out of a negative cycle by providing hope through housing. Mr. Fortune discussed there are 219 homeless veterans that have been identified in Utah. Project Valor wants to start in Cache Valley and eventually take it across the state. The Veterans' Affairs Association is also working closely with Project Valor on this project. Additionally, a board of governing directors has been put together to help guide, the attorneys Olsen and Hoggan are taking care of the 501(c)(3) filing, and Project Valor is now classified as a nonprofit. Project Valor is also working with the Utah Homeless Coordinator for possible grants and assistance moving forward. The project was started and currently is run by private donations.

Mayor Larry Jacobsen arrived at 7:24.

- **John Payne- 251 W 260 S Nibley, UT**

"I am John Payne, I also live at 251 W 260 S, that's about a block and a half West of the proposed homeless shelter. One little clarification, on one of the earlier slides I thought it said it was going to be 360 some odd square feet, is that correct? Because a later slide said 20 by 38 and I don't know anything, but I do teach math for a living and those don't jive so maybe I was wrong," (0:18:24-0:18:54, P&Z02-08-2024#2).

In response, the commission replied it says no more than 722 square feet.

"Was there one prior? Okay, maybe I'm just wrong." (0:18:59-0:19:03, P&Z02-08-2024#2).

Commissioner Schenk stated there was something that says 28 feet by... and Mr. Roberts stated they could clarify this once he is done.

"Yeah, that's the one that didn't jive with what I thought I saw, but maybe I ... Okay. It's been about 20 years or so since I spent 5 years on the Nibley City Planning and Zoning with Clair's Dad, and so I am not up on the legalities of public hearings, but I am aware of a property owner who owns property adjacent, in fact feet, from where the circle, or oval was, and he was not made aware of this hearing. He didn't receive any notice whatsoever. So I don't know if that makes this a legal hearing, public hearing, or not. Just a little note there. Do you know?" (0:19:09-0:19:52, P&Z02-08-2024#2).

Mr. Roberts replied that as far as he was aware, the hearing was properly noticed for all properties within 300 feet.

"Okay, well he is within 12 feet, call it, and he didn't get it, so what does that mean about this meeting? Is it legal or not?" (0:19:58-0:20:15, P&Z02-08-2024#2).

Commissioner Swenson responded that this can be discussed after the public hearing is closed.

"Currently, the trailer park has a rule, and I don't know if this is just the property owner's rule or not, but it says there should be no rentals, that's a rule-everybody has to be an owner of their dwelling unit. Talking about someone who is not going to be the owner of the dwelling unit, I just think it makes sense to go back in the archives and see if that's just the owner's rule or if that's a city requirement when the mobile home park was built. So, if that was a requirement of the city, then this is not a legal use. I'm not sure... We are changing a lot. We have a law that says you can't build this, we are saying what the heck let's throw that law out the window and not do it. And, the city, I don't think the city should be doing that. The city certainly didn't do it with me. We moved into a house, we built a house 27 years ago on a tiny 25-mile an hour street, and since that time, we got a elementary school one way down the street from us, church across the street, we built a high school that isn't in Nibley, but we allow them to plow through what was supposed to be a city park to build the main entrance in the high school, and what that means in should I choose to go to work at a quarter to 8 in the morning, I cannot. I cannot get out of my driveway because it is backed from main street, the traffic is backed up with 16-year-old drivers waiting for the light,

clear past our house which is 2 ½ blocks from the main street. I cannot get out of my driveway, literally at that time of day. We started with this tiny little street that we lived on, added all of these things, we put in all these subdivisions West of us and provided all that traffic, nowadays it goes to the highway, and all the sudden we have semis driving by our house all the time. All this has meant that what? That the city decided we are not a tiny little street anymore, we are a big thoroughfare, so they change the designation of our street and along the way that meant that we had to give up 15 feet of our front lawn and reroute, rip out the landscape, reroute the sprinkling system, and we had to do a lot because we are now a big street, right? And we had to build a sidewalk out to nowhere. It literally goes to the end of my property and drops off into a field. The city didn't want to give up on that one for us, but they want to, you know, break the law and change it so you can build this structure here. I don't understand why some people get the breaks and I don't. So, I don't understand the benefit to the city. We've got enough going on in our street, we don't need a homeless shelter. I'm not opposed to veterans; I just don't think this is the place for them. The people I have talked to that live in the trailer port are not in favor of it. They like living in the homes that they own themselves because they obey the rules. They own themselves, and they rent the land underneath it. This is a different situation where someone is going to build something but someone else is going to live in it and it's a different kind of structure. We are just piling on our street so we are opposed to it, thank you. " (0:20:16- 0:24:14, P&Z02-08-2024 #2).

- **Larry Jacobsen- 412 E 4300 S Nibley, Utah**

"Larry Jacobsen, 412 E 4300 S. For the record, I am the mayor. So I'm about to do 2 things tonight that I promised myself and actually promised this commission I would try not to do. And one is to put myself into your process because as a recommending body, you should have free and equal access to your own discussions to make that recommendation to the council at which point I get my chance. The other thing is fundamentally I am opposed to development agreements. I believe that ordinances should be uniformly applied. However, every so often, we come upon a case where, in my opinion, the rounding off of the corner of an ordinance makes that application fit in the specific location where it is being proposed. So with those two reservations, I still stand before the planning commission and tell you that I have caught the vision of what Mr. Fortune is trying to achieve here on a couple of fronts: one-for veterans in transitional housing, two- to actually show that this type of housing as an accessory dwelling unit sort of application, which certainly is legal within our ordinance- it fits. And that this size of house, this type of house, in locations like this or in locations where ADUs could be applicable, fits and helps people actually achieve affordable home ownership. So, for those two reasons I get the vision. I think this is a good plan, I'm not going to get into the details because I would like you guys to figure out whether you think it fits once you work those details out. Thank you," (0:24:30- 0:26:47, P&Z02-08-2024 #2).

- **Fran Payne- 251 W 260 S Nibley, Utah**

"Fran Payne, 251 W 260 S. This isn't a pathway to ownership but this house, I don't know what the mayor just said there, but I don't agree with that. How many people will be living in this structure? It's going to be a permanent structure, we were just talking about quarter acre lots for the other one, this one isn't a quarter acre lot. It is a permanent structure. Why the difference? It's a little casita which generally is attached to a regular house or something, usually I would think. So I am opposed to it because do you know how many people that you plan on housing in this tiny

structure. Anyway, there's just the quarter acre of the little, tiny little piece of ground there. The permanent structure in a mobile home park. Because mobile homes could be moved out, but this permanent structure is going to be there forever or until it whatever, and this might allow other little permanent structures to go into that area, so I'm opposed," (0:26:58- 0:28:13, P&Z02-08-2024 #2).

Applicant Michael Fortune stated that the number of approved individuals in the house are set by the Veterans' Affairs Housing Standards and the Housing Authority Standards for Cache Valley. He believed there will be no more than two people- a veteran and a possible spouse. He added that the housing unit is 1 bedroom large enough to be ADA approved.

Mr. Roberts clarified that the development agreement states 1 individual and their family are permitted in the unit. In a typical housing unit, there can be up to 4 unrelated individuals living therein. Commissioner Swenson referred to Nibley's code regarding those living on the property.

Commissioner Schenk closed the public hearing at 7:42 p.m.

4. Discussion and Consideration: Ordinance 24-03: Development Agreement with R & W ENTERPRISES INC, together with PROJECT VALOR to allow construction of one (a) casita on Parcel 03-7020-0018, located at 110 W 2600 S, to house transitioning and/or homeless veterans within a legally non-conforming mobile home park, setting forth conditions and standards for its construction

Mr. Roberts stated that as far as he is aware, the necessary notices for the public hearing were sent out. In response to a question from Commissioner Schenk, Mr. Payne replied that the previously mentioned neighbor who did not receive the notice was Doug Anderson.

Commissioner Swenson asked what the requirements are for public hearing notifications. Mr. Roberts replied that physical signs are no longer required by the state with public hearings.

Mr. Roberts responded to Mr. Payne's question about rentals in the mobile home park by stating the mobile home was approved in 1974 so information would need to be dug up about the requirements of the time if able to be found.

Regardless of the rules for owner vs rented, he said that the development agreement would cover it as an exception. He suggested to the commission to weigh making an exception to the code- this has previously been done with other development agreements and added that a potential alternative is changing the rule in the code.

State code has shifted in the last few years regarding exceptions to code change. The consideration for this development agreement is going through the same process as if it were a code change. Commissioner Schenk asked if the code violation is through NCC 19.26.040 which Mr. Roberts confirmed.

Commissioner Ribao asked if the public notice is sent to property owners. Mr. Roberts clarified that the public notice is mailed to property owners within 300 feet, and there are other methods used to notify the city. Commissioner Swenson asked if it is possible that the mobile homeowners themselves could be unaware of this public hearing, and Mr. Roberts responded that this could be correct- only the property owners receive the notice. The commission then discussed that it is the

property owner's responsibility to notify tenants of the public notice.

Commissioner Obray asked if the current parcel is compliant with Nibley City code, and Mr. Roberts replied that they are not non-compliant. There was a nuisance violation last year that was resolved. There are some things that need to be improved with the water system, though this was not ready to be brought before the commission at this time. There have been some improvements to the water system, but the property owner is responsible for improving it further. Commissioner Obray asked for clarification regarding the water system. Mr. Roberts replied that a backflow preventor was installed, but the city wants to work with the property owner to further improve the system by developing a plan.

Commissioner Obray asked if this property is being sold or donated. Applicant Michael Fortune responded that permission is being granted by the property owner for the use of it, but if this was changed, then the agreement with Project Valor and the property owner ends as well as the city agreement. The units are being paid by donations through Project Valor and the building itself is the property of the 501(c)(3). Commissioner Obray asked if Project Valor is paying pad fees to which Mr. Fortune responded they are willing to pay their share of utilities. He added that Project Valor will be in charge of landscaping, maintenance, and any issues that may arise. Commissioner Obray voiced his concern of the developer's receiving an economic benefit through having this unit on the property. If this is the case, he wanted the benefit to be applied towards improving the water system, ensuring there is an HOA, and providing maintenance. Mr. Fortune replied that Project Valor is paying for the improvements for it, but it is being donated by the property owner.

Commissioner Obray asked the property owner, Rod Rounds, if there can be something written into the development agreement that no fees will be charged to Project Valor in this process. Mr. Rounds answered that there are certain expenses of the park that are paid towards Nibley City, and he doesn't want to donate that also. He voiced not wanting to lose too much money on this project although he is in favor of it. Commissioner Obray asked Mr. Rounds if aside from the fees to the city if he would be willing to donate everything to Project Valor. Mr. Rounds responded that he hasn't really thought through that yet. Commissioner Obray voiced that he is not in favor of the project until this is figured out. Rod Rounds added that the water bill has gone down about \$600 a month since they made water repair changes including a backflow preventer and new valving. Commissioner Schenk asked if the waterline around the loop and the road are privately owned to which Mr. Rounds replied yes, Nibley City does have a sewer line that goes to the first road of the park. Commissioner Obray asked if there is an HOA over the park and if Mr. Rounds is managing empty units or private ownership. Rod Rounds replied there is not an HOA and that some of the mobile homes are owner-occupied and some are rentals, and that there are no regulations prohibiting rent.

Commissioner Kenczka asked if this project was not through Project Valor, would the same process need to occur for a building to be built in the proposed location. Mr. Roberts replied that with it being in the trailer park it would still be a nonconforming use. If they want to make any changes to the structure in the future, they are limited since it is still a nonconforming use and would have to go through a similar process to this public hearing and discussion and consideration. The development agreement only allows this specific building for this specific use.

Commissioner Swenson asked if they could see an aerial view of the park which Mr. Roberts pulled up on the slideshow. Commissioner Swenson asked if this is a short-term or long-term rental. Michael Fortune responded that this is for one veteran per unit and is made to meet the needs of the veteran, and is not designed to have a revolving occupant. It is expected that Veterans will rotate in and out, but is it likely they will be there for a minimum of 12 months to several years.

Commissioner Swenson asked if there is a background check for the veterans. Michael Fortune responded that there are several completed through the Veterans' Affairs Association, the VA, BRAG, and through the park owner.

Commissioner Swenson asked if there have been any comments from the park residents about this proposal. Mr. Fortune stated he hadn't heard anything, but they have not gone and individually asked each resident their opinions. He had met with a few residents when they measured the location and did not hear any resistance.

Commissioner Schenk asked if the veterans are coming from Cache Valley or being brought in from other areas. Michael Fortune responded that their goal is targeted for veterans of Cache Valley but could extend to Ogden or Brigham City. This is not to be a Veterans' or homeless shelter.

Commissioner Brown thanked Michael Fortune for coming and sharing his comments.

Commissioner Kenczka asked if there are any requirements for wellness checkups and Mr. Fortune responded yes, the VA supplies the wraparound care. Most of this will be medical to start, but there may be education later and the goal is to help them progress. This is all tailored to the individual's needs. Project Valor's focus is to assist finding and providing a housing alternative.

Commissioner Schenk asked if this will be on a permanent foundation and Michael Fortune responded yes, it will be on a cement foundation and the goal is to have the veterans present for years.

Commissioner Ribao said that he thinks this is great and it fits within the ADU ordinances, and that the city's job is to look over its citizens- especially its most vulnerable citizens.

Commissioner Schenk referred to pages 83 and 84 of a report from the 2023 Annual Data Report on Homelessness and showed that the number of unsheltered veterans in Cache County is low. He added that 2600 S is meant to be a safe road for travel for elementary and high school students and wants to ensure their safety-particularly around any veterans with mental illness. Mr. Fortune responded that the VA has background as well as regular checkups and would not put them in an area where they could be a potential danger. If there was a veteran with a difficult mental illness as described, then he would likely need to go to a care facility. Commissioner Schenk asked how the Dan Gyllenskog Veterans Resource Center in North Logan plays into this. Mr. Fortune retorted that it is a great independent organization that has some short-term housing and other resources, but they do not have long-term housing.

Commissioner Schenk voiced his favor of having this for veterans returning to regular life but is more wary about someone who has been homeless living in the unit- he argued that all it takes is one incident. Michael Fortune responded that the goal isn't to bring problems in, but there are many homeless veterans that don't have the drug or violence issues that the Commissioner was wary of. Commissioner Schenk reiterated his views in favor of transitional veterans rather than veterans who have been homeless. Commissioner Obray reminded the committee that this is not a homeless shelter, it is a transitional home. Commissioner Schenk responded that it is listed as transitional/ homeless and Mr. Fortune replied that it is transitional homeless veterans- that it is for homeless or transitioning individuals. Commissioner Schenk pointed out that the report does not discuss transitioning veterans, only homeless veterans.

Commissioner Obray stated he is in favor of this project, but only because it is for veteran housing- otherwise, it would not pass. He argued that because they are increasing the economic value to the property owner, he is not in favor unless the net expenses are donated by the property owner. He voiced his belief that the land should be donated by the property owner.

Commissioner Schenk stated that Nibley City pays half of active-duty veterans' utility bills, but it was clarified by Mr. Fortune that many of these veterans are transitioning to non-active duty.

Mr. Roberts mentioned that he added an attachment of the site plan and a floor plan to the Development Agreement in the agenda packet.

Commissioner Obray asked if there can be language within the development agreement requiring the land donation, since there cannot be a deed restriction for that specific unit, to which Mr. Roberts responded he isn't sure and will have to ask the city's attorney. Commissioner Obray then pointed out that the mobile homes all have a title to it, but once this casita is affixed to the foundation then it becomes the property owner's. He asked what governing agreement could be made to avoid this. Mr. Roberts discussed that the development agreement is a governing mechanism because it will be recorded against the property. It may not be in the same way as a deed restriction, but this development agreement was originally drafted by the city attorney with some changes made by the applicant.

Commissioner Swenson asked if there is anything set up to terminate the agreement if anything negative were to occur. Mr. Roberts replied that this could be added in but is not currently within the agreement. The two then discussed that this would be difficult to dictate and how to make it practical.

Commissioner Swenson voiced his overall support of this effort for the veterans.

Commissioner Obray asked what the commission's thoughts are on increasing the economic value of the property. Commissioner Schenk asked who covers the cost of all of it. Michael Fortune responded that through donations Project Valor will provide the foundation work, utilities, hookups, unit itself, and furnishings so they would own the property. This home has a permanent foundation, but it could be moved like a regular home with a permanent foundation could be moved- thus if needed Project Valor could move the property location. He admitted that pad rent

and similar expenses had not been discussed with the development agreement. Commissioner Obray added that Project Valor does not own the property but owns the rights to the property. Mr. Fortune argued that since they are the ones building it then they would have the rights to move it which Commissioner Obray agreed with.

Commissioner Obray asked what the net monthly rent is for a pad and Mr. Rounds responded that it is \$340. The Commissioner then stated that \$340 is the economic value increased to the property owner and he wants to see that as a donation from the property owner. Commissioner Obray wished that one condition of approval for this project is that the profitability for the property owner is donated. Mr. Rounds discussed this could be done.

Action: Recommend for approval Ordinance 23.04: Development Agreement with R & W ENTERPRISES INC, together with PROJECT VALOR to allow construction of one (a) casita on Parcel 03-7020-0018, located at 110 W 2600 S, to house transitioning and/or homeless veterans within a legally non-conforming mobile home park, setting forth conditions and standards for its construction with the additional condition that the property owner receives no net profit from the pad rental for the Casita.

Motion: Commissioner Obray

Second: Commissioner Kenczka

Vote: 4-1

Commissioner Obray voted in favor.
Commissioner Kenczka voted in favor.
Commissioner Swenson voted in favor.
Commissioner Brown voted in favor.
Commissioner Schenk voted against.

5. Workshop: Planning Commission Goals for 2024

Mr. Roberts utilized an electronic presentation entitled *Planning Commission Goals-2024* (a printed copy of the presentation is included in the printed, record copy of the meeting minutes).

His presentation included:

- Planning Commission Goals- 2024
- Planning Commission Goals for 2024
- 2023- Other accomplishments

Mayor Larry Jacobsen left the meeting at 8:36.

Commissioner Swenson asked to move number 6 up if it is listed by priority. Mr. Roberts replied that it is not listed by priority but that is good feedback.

Commissioner Kenczka voiced agreement with these goals and verified with Mr. Roberts that most of these goals will require subcommittees. Mr. Roberts added that in addition to these goals, the stormwater masterplan is being put together by the city engineer and public works.

Commissioner Kenczka recommended focusing on planning and designing developments for

people rather than for roads or other factors and including this in the goals already written.

Commissioner Schenk asked about the active transportation plan. Mr. Roberts replied that the General Plan was adopted in 2016 and currently there is not an active transportation plan. There is a transportation master plan that was adopted in 2018, which includes aspects of active transportation and there is also a separate trails masterplan. The active transportation plan will look at both on- and off-street facilities. Commissioner Schenk stated that the goals look good.

Commissioner Ribao added that these goals cover all the concerns that he, family, friends, and neighbors had.

Commissioner Kenczka asked how the funding for the general plan is coming along. Mr. Roberts responded that a grant application was submitted to UDOT.

Mayor Larry Jacobsen returned to the meeting at 8:45.

Commissioner Kenczka asked who at UDOT this is done through. Mr. Roberts responded that this is through the central UDOT group.

Commissioner Swenson voiced agreement with these goals if they can be accomplished within the year. Mr. Roberts replied it is a lot, but it includes finishing some things and starting others and not everything all at once.

6. Staff Report and Action Items

Mr. Roberts reported on the following:

- Active Transportation Plan Contract
 - Steering Committee- Commissioner Troy Ribao and Commission Head Clair Schenk
- Parks and Recreation Master Plan
- Nibley Coach
 - Preliminary Plat Approval

Commissioner Schenk asked if the site plan still needs to go through the City Council, which Mr. Roberts validated.

- 2900 S improvement with Ridgeline Park
- Connectivity Standards

Mr. Dickinson provided an update with these standards stating that this would cover road and pedestrian connectivity. He asked for a commissioner to help with this process and Commissioner Kenczka volunteered and Troy Ribao added that he can be a second if needed. Commissioner Swenson advised having a developer present in the discussions.

Mr. Dickinson stated that phase 2 of Nibley Meadows is underway and that building permits for phases 1 and 3 will be coming through.

Firefly Estates is negotiating an agreement with the city for phase 2 regarding construction of half of the road in front of the park on 10th West.

Heritage Parkway Phase 1 is underway, and the 1200 W roadway project has been delayed due to weather but will be starting up soon. He added that he will be going door-to-door and visiting some of the resident of this area who will be impacted.

Commissioner Swenson asked if UDOT is going to make the vendor fix the highway between 2900 and 2600, and Mr. Dickinson replied that grinding has occurred and is already much better and will likely get a new overlay in the future.

Commissioner Ribao asked who sets the speed limits. Mr. Dickinson responded that the Transportation Master Plan sets the classification for design speeds and posted speeds.

Commissioner Schenk adjourned the meeting at 9:02 p.m.

ATTEST:

Taelor NaRae Ogden, Assistant Recorder