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Nephi City Planning Commission
Meeting Minutes
April 8, 2026

Attendance:
Staff: Shauna Talbot, City Planner
Commissioners: Chairman Cory Thomson, Commissioners: Fran Petersen, Meadow Perides, Heather Robertson, Jim Nelson.
City Council Representative: Jeramie Callaway
Excused: Alexandrea Painter, Scribe
Scribe: Alexandrea Painter
Public: Donald W. Ball, Rick Carlton, Doni Carlton, Ryan Lynn, Julie Lynn, Jordan Whitlock, Matt Evans, Jeramie Callaway, Michael Gross III.

1. **Welcome to Planning Commission**
   a. **Prayer: Shauna Talbot**
   b. **Pledge: Chairman Cory Thomson**
   c. **TIME: 7:00 PM**

2. **Public Hearing – to accept public comment on changes to Subsection 10.7A.3 CU-1 Zone Lot Size (Area), and Density Regulations; Rick Carlton has requested that Nephi City consider an update to the CU-1 zoning code that would allow:**

   a. For multi-unit buildings built vertically (stacked unit on top of unit): Require 5,000 square feet of minimum lot size per dwelling unit on the bottom level, and no less than 2,500 square feet per unit on the second or third level (approximately 50% required of the bottom level) - known as a 'vertical discount'. The density per acre would vary depending on the building constructed, but would potentially equate to approximately 12 units per acre.
   b. The current requirement per unit is 7,260 square feet per unit no matter the level, which equates to 6 units per acre.

   a. **Introduction**
   Mrs. Shauna Talbot introduced the change that is being requested by the applicant, Rick Carlton. This proposed change would affect the entire CU-1 zone. The zoning code revision to be discussed tonight is associated with the applicant's four properties in Bryce's Landing Plat A. There are two zoning code amendments being presented tonight, Mr. Carlton's proposal addresses both a proposed vertical discount in the CU1 zone, as well as increasing the density in that zone. Alternatively, Nephi City Staff are proposing an alternative that only favors a vertical discount in the CU1 zone, and would also allow the same in the CU2 zone. City staff are not proposing an increased density in either the CU1 or CU2 zone at this time based on prior feedback from City Council and Planning Commission members that they have not previously been in favor of increasing density.

Private Presentation – Rick Carlton
Mr. Rick Carlton thanked the commission for allowing him to present. He then presented a proposal to amend zoning regulations for the full CU1 zone for the purpose of residentially developing his property in the Bryce Landing Plat A subdivision ~~development~~ near Domino's restaurant. He explained that the property has been zoned CU1 since the subdivision project was approved concurrent with a rezone request ~~its creation~~, but subsequent code changes have reduced the allowable density, making development less practical. Because each of the four lots is just shy of a quarter acre, and the current density is six (6) units per acre, they can currently only get one single residential unit per lot base on the zoning.

The proposed amendment would change the density requirement from 7,260 square feet per unit to 5,000 square feet for the first-floor unit(s) and 2,500 square feet for each unit on the second and third stories ~~additional unit~~. Under this proposal, a typical quarter-acre lot could accommodate up to two (2~~) three~~ residential units, similar to the density allowed in the city's R3-8 residential zone, that includes both the vertical discount, and reduced density of eight (8) units per acre.

Carlton argued that the proposed increase in density from six (6) units per acre, to eight (8) units per acre ~~remains~~ would maintain a low to moderate; overall density; ~~would~~ provide more affordable housing opportunities; and ~~aligns~~ align with planning principles that encourage higher density near major transportation corridors. He noted that commercial development on the lots has been unsuccessful for five years due to zoning restrictions, particularly limitations on drive-through businesses.

The applicant's development team provided visual plans showing optional two- or three-unit structures, with approximately 1,400-square feet per unit~~-foot units~~ with garages and architectural variety. Carlton stated that the proposed housing would fit well with surrounding development, including nearby townhomes, and requested that the Planning Commission recommend the zoning amendment to the Nephi City Council.

b. **Planning Commission Questions**
Commissioner Fran Petersen: Asked Mr. Carlton about the allotted parking spaces. Mrs. Shauna Talbot clarified that additional parking would be required greater than what is shown on the rough concept drawings for these units, based on the adopted parking code. Mr. Rick Carlton stated that additional parking could be added to the front because there is space, and more space could be added if the buildings were pushed back.

Commissioner Meadow Perides: Inquired of Mr. Carlton whether the units would be for renting or owning purpose? Mr. Rick Carlton responded that they would be for owning and would be like a flat or condominium.

Commissioner Heather Robertson: Asked Mr. Carlton about the flat that had no parking if there was an HOA for the building, and the building falls under that HOA? Mr. Rick Carlton responded that there would be for the parking and grounds only. So, it would be like a condo where you own your unit and then have common ownership of the rest of the property outside of those.

Commissioner Meadow Perides: Asked about the commercial businesses that had approached for purchasing the property? Mr. Rick Carlton responded that yes, they were under contract at least four times each of the lots, but due to the restrictions of drive-thru they fell through, the price has dropped ~~the price,~~ $90,000, and they still won't sell. Two major drink entities, and a bakery, had approached them regarding purchasing the lots, but with the drive-thru restrictions they backed out.

Commissioner Meadow Perides: Asked Mr. Carlton how the residential lots next to it in the Bryce's Landing Plat B subdivision planned unit development were selling? Mr. Rick Carlton responded that Matt would have to answer that. He still has one to build, and he is renting them and selling them, because they are more affordable than single family homes.

Commissioner Fran Petersen: Asked Mr. Carlton how many units were being proposed on a half acre? Mr. Rick Carlton responded that they are requesting 3 units on each of the .24 acre lots.

The city notes that this would equal greater than 12 units per acre, as the four lots only total .97 of a full acre. The city measures by net square footage, which is the gross acreage of the property less any road, or other public land dedications.

c. **Staff Presentation**

Shauna Talbot clarified that residential development is already permitted within the CU1 zone as a limited use within a primarily commercial district. She agreed with some of Rick Carlton's points, particularly that higher-density housing is often most appropriate along arterial roads and that a vertical density discount could help address challenges with lots that fall slightly below acreage thresholds, preventing the loss of potential housing units.

However, Talbot emphasized that city staff have repeatedly discussed density standards with both the Planning Commission and City Council. In previous zoning discussions, including the R3-8 zone where both density and vertical discounts were presented, city leadership chose to adopt larger lot-size requirements than staff had originally recommended. Staff's concern with Carlton's proposal is that the requested density (5,000 square feet for the first unit) would allow a greater density than what is currently permitted in the city's highest-density residential zone, the R3-8 zone.

While acknowledging the benefits of the proposal—including walkability to services such as grocery stores and the hospital and the suitability of arterial roads for increased density—Talbot noted that staff remain cautious because of past feedback from city leadership regarding residential density levels. She explained that the culture in Nephi City, twelve (12) units per acre is generally considered high density, not low to moderate.

As a result, staff support a more moderate approach: implementing a vertical density discount city-wide while maintaining existing requirements for setbacks, parking, and landscaping. Staff believe this approach provides greater flexibility for development while remaining consistent with previous Planning Commission and City Council decisions.

Mr. Seth Atkinson also commented and presented to the commission that it was consistent with the council, the staff have received from the planning commission and the city council, both, they've both been opposed to higher densities, and that's, I think, why we're recommending what we're recommending.

d. Public Hearing
TIME: 7:33 p.m.

Mr. Rick Carlton: stated, "I just encourage you to really contemplate this because I think it's well needed and it's affordable in this community where we want to keep your kids and your grandkids and friends in the community with something that's affordable. Currently, housing prices are north of $500-$700,000 minimum, and so this would give an additional opportunity that is not in competition with townhouses. This is a product that can be utilized in this community for those who need this level of affordability. That's my only comment in the public hearing portion."

Mr. Jordan Whitlock: stated, "I just came to support higher density housing in Nephi, my wife and I have been trying to live here for a little bit, and we just were able to buy a lot. It is going to be a big stretch for us to be able to build anything. Looking at Zillow, there's one house for one condominium for sale in Nephi for under $300,000 that's $1,900 a month that'd be a stretch for almost anybody my age to be able to afford. It's going to be very difficult to get anybody to stay in state, even if housing prices are the way they are. I know that higher density housing's a change, and it's something that's hard for Nephi to accept, but if we want to be able to attract young people, and to keep the community thriving, or if we want to increase our tax base, and have a community that doesn't die out and just get old, then we need to allow for higher density housing to come in, because it's the only thing that young people can afford."

Mr. Matt Evans: stated, "My partners and I are building and selling prices landing subdivision. What I'm noticing right now, what this young man just said, is exactly right. There is a great need for pricing housing prices, probably $350,000 and under. You know, with our townhouses, we're hitting a $350-$400,000 price range, but we need a lot more. Basically, interest rates aren't coming down. I think what we used to think of when we heard affordable housing was one thing, but when $300-$250,000 is considered affordable housing?.. These are professionals, usually two income earnering households that are living in these properties. "Affordable" isn't what comes to mind, such as a slum, or really run down place. I just wanted to speak to that missing need in the market as I am seeing the exact same thing."

Mr. Ryan Lynn: stated, "I just want to state the same sentiment. Our oldest daughter's getting married in two weeks, and her husband's from Nephi, they work in Nephi, and can't afford to live here. There's nowhere for him to live. They have to commute from Payson to come and work in Nephi. He works over at Chapel, Automotives, and my daughter's currently looking for a job in Nephi. They want to live here because they grew up in the community. We live out in Mona, but she went to high school here. Her husband grew up here, and they work here, but they have to literally move out of the community to afford somewhere to live. And it's just it's kind of sad that there's nothing affordable in

the city, and we feel like we can bring products to the city that would really work and work out for these younger couples to be able to live here."

CLOSED: 7:40 PM

e. Commission Discussion

Commissioner Meadow Perides: stated, "I have a few things to share. I kind of have some mixed feelings on the matter, just because of the density. Really my only con is parking and visitors, because I see what a nightmare that it is in some of the town houses that we roll out, it's hard to find parking. I think that the location is perfect for what they are wanting to build, it's right next to the hospital. I think it would be easy living for seniors. I think it would be easy living for people that work at the emergency services. I know right now, the condos have a couple of people that are renting, like Life Flight. They rent a condo out, and I think it would be a perfect opportunity for something like that as well. I do feel like there is a need for affordable living on it. I'm almost questioning if it is something more like the CC zone, where it would allow mixed use living."

Commissioner Heather Robertson: Asked, "isn't that kind of what the thought process was, for the CC Zone?" Mrs. Shauna Talbot responded that it is correct. Commissioner Robertson responded that her thought is that she agrees that we need more high density housing, but until we get direction from the city or city council, "I feel like the direction we've been given is to keep Nephi feeling more rural and that's kind of the counsel I am going on based on our city master plan. So, while I do agree that we need some high-density housing, and I know that we have areas assigned to that in parts of our plan, this feels a little too dense for me. I think they're beautiful apartments, but I'm going to stick with the direction that the city council has given us so far."

Commissioner Jim Nelson: stated, "I haven't been on this commission as long as some of the others, so I don't have their depth of knowledge on all the zones and the rules, but we're talking about changing an entire zone here." He stated his concern with spot zoning in this location referencing another recent discussion in the center of the city where the city does not want to change a whole block simply for one property to have the change they desire. He added, "this area is already high density with town homes right behind it." He questioned if there was another approach that could be taken to meet the spirit of what is being proposed here for housing. He asked about variance requirements, including the project with the zoning in Bryce's Landing Plat B, rezoning to CU2, and changing that zone.

Mrs. Talbot addressed the merits of each of these suggestions listing some challenges with a variance and it's limited scope and parameters, the challenge of how to mesh a PUD with an already established HOA, and the reluctance to only "spot zone" to the CU2 without an overall cohesive area plan. She suggested the planning commission could choose to table this agenda item for further discussion if they wanted further time to consider the implications. She urged the commission to not make a full zoning decision throughout the entire CU1 zone based on this one project, but consider the full impact to

all properties in this zone.

Commissioner Fran Petersen: stated that, “some of my thoughts are that we really do need to do something to further the densities in the city. In this zone the density used to be eight (8) units per acres when she developed her property, and the city has since limited the density, and backed it off. So, it's even less than it had been throughout the history of Nephi. There are some issues with the parking at dominos there currently, it is a mess. I also don't feel like it is this body's job to change the entire city code to solve the issue, because there might have not been a lot of foresight on how big to make those lots, like, maybe they just weren't big enough in the first place. I do think we need to increase density. It's a problem and, the thing construction now is so expensive that there's really no choice. Like the only way to back that off is to make land cheaper. That's really the only way that we can do it. So, there's no way for people to get in the homes for less money, unless we can lower the price of land, because it's kind of what construction is as it is, and then price to bring the infrastructure in.” She noted the property of Howard Chuntz’s southeast of town that doesn’t feel like appropriate density and lot size for the three-plexes he has done. She also stated, “I also agree that I think we have an issue going forward, like our community is growing, like we have all these new businesses on the south end of town, and we don't have a place for people to live, to just kind of have a little job, like if you don't have a couple professionals. And now we're talking about double-professional households that can't afford the least expensive housing that we have in town.”

Commissioner Heather Robertson: Haven't we approved an apartment complex across the street that just hasn't been built. Mrs. Shauna Talbot, yes, it is across from Bryce’s Landing for condominiums. There are 40 units on the east side, and we have had an approved plan for that, however, it is zoned a different zone, and it did expire at the year mark with no construction. Mr. Seth Atkinson stated that if they came back through the same plan, it would probably go through the approval process pretty fast.

Chairman Cory Thomson: The cost of housing is not unique to Nephi City. It's a problem across the whole state. Changing one zone is not going to solve that problem throughout the whole state. Mr. Carlton mentioned the general plan, and when that was updated recently the last thing that the community wanted was density, they wanted to remain rural. To me, this doesn't fit that rural feel, just like other things that I've said, I don't feel that fits that criteria identified in the general plan.

Commissioner Fran Petersen: I would say that when the community told us that they wanted to remain rural, that was probably only 12 to 15 people that came to a meeting, and we've had at least 12 to 15 people come since then that have said we need to increase density and make it work, so the argument to use the general plan is only as good as the data gathered for input if a decision was made based on that data to be “rural”.

Commissioner Heather Robertson: Mentioned that she loves the idea of being rural. but the reality is we need more available options especially with high interest rates we should consider the realities.

Commissioner Fran Petersen: I mean, our community has changed a lot, and we're just going off some people who said that, but people have said the opposite.

Mr. Seth Atkinson: stated, "One thing to keep in mind, we are in kind of an economic bubble right now. You know, because interest rates were so low not that long ago, everybody refinanced their home at that time. And there's a lot of existing supplies that are kind of locked into those rates. And at some point, interest rates have to get to a point where it sort of unlocks that supply. And right now, and you're a real estate agent, you must probably see this all the time, the existing supply right now not what it should be to give the supply out there on the market as a whole. So new construction is about the only thing that's available to people. And so, we're just sort of in an economic window right now where that's the case. That may not always be the case, but that is certainly the case right now, and it's putting a lot of hurt on a lot of people. And I think most of us are in that boat. If we are locked into low interest rate. For instance, I'm in a 2.6% interest rate. It will be very, very difficult for me to say I'm going to get a higher interest rate on my on a new home or somewhere else. So, at some point, interest rates will come down to where they economically are feasible, even if they're a little higher than the existing rate. And that at existing housing supply will kind of unfold onto the market, and it'll help stabilize prices, I believe."

Commissioner Heather Robertson: I guess I would want direction from City Council on which direction, they would like to go. Do they still want to stick with the "rural" low densities, or are they more willing? Because we're just a recommending body. We don't make any rules, we just pass it on."

Mr. Seth Atkinson: stated, "So that's true, but they do rely on you. If you, as a planning commission, would like to see more density, you can send that message to the city council. If you'd like to keep it the same, you can send that message if you want to reduce density, you can send that message that is your opinion does matter to them, and so you want to kind of hear where the general plan is and where the city council is. You don't want to be, you know, far, far apart, but they do rely on what your feelings are, what you think of the community. That's that is why you're here."

Commissioner Fran Petersen: stated, "And I would say that some of us have been on longer than the city council. That is true. Council has turned over a lot since then, so, and we have written that code when we were new, when we wrote it. And I think sometimes, like you have the opportunity to see, like, okay, maybe we got a little carried away with setbacks. Maybe we got a little carried away with, low density."

Commissioner Heather Robertson: Stated, "I feel like this helps in being able to see you the visual of this proposal, it is helpful to me." She agreed with Fran that this proposal's density is too dense, however, she would be open to seeing some more density allowed, and would love to see would the city council has to say. " I feel like I understand that it's pretty dense, but they're not off by much from what is allowed right now."

City notes: the total they would be allowed to have under the current zoning is four units, they are proposing 12, so there is a substantial gap in the density currently, and the proposed density.

Commissioner Meadow Perides: stated, "I would like to motion that the project be taken to the city council for their feedback." She added, "There is a need for density and that is a good area, and I understand that it would open it up to the rest of the town. That is why I'm wondering, if we could look at a different zone, would it still allow businesses and residential as uses? I know that CU1 does.

Mrs. Shauna Talbot stated both CU1 and CU2 allow both commercial and residential, she is just concerned that rezoning to the CU2 would be more of a spot-zoning situation, as staff has considered that option.

Commissioner Perides replied that, "we really do need to look at it because of the affordability situation."

Commissioner Heather Robertson: stated, that even though it could be somewhat of a spot zoning situation to zone to CU2, the planning commission has talked about alternating these two zones along Main Street anyway, so she would be comfortable doing that.

Commissioner Fran Petersen: stated that she is torn feeling the city needs higher density, but having concerns with this project feeling there is a general lack of parking.

Mr. Carlton stated a redesign could address the parking concern.

Mrs. Talbot reiterated to not make a decision based on this proposal, make it on the entire zone, as that would completely affect all properties in the zone. The applicants will always be required to meet minimum parking standards. At this time the staff is only recommending the vertical discount based on prior repeated feedback from planning commission and city council, if that is to change staff will need new direction in that regard.

Commissioner Meadow Perides: So, do we say that we strongly recommend that they [City Council] look into denser zoning and not make a motion to change anything?

Mrs. Shauna Talbot replied: What the commission could do is forward this proposal to city council with a recommended denial of this application. But also send a message requesting the city council gives some general direction to the planning commission and staff their feelings on adding additional density in these two zones, the CU1 and CU2.

Mr. Seth Atkinson: also added to the commission to remember there are two proposals before the commission tonight, one that creates additional density through a vertical discount that staff is in favor of, and one proposed by the applicant that is both allowing for a vertical discount and increasing the base density per unit, so both items need to be considered independently when making a decision. You could ask the city council to

consider both components and give you some feedback in regards to this matter.

Commissioner Heather Robertson: "Yeah, I'm not willing to change the whole CU1 zone, because the minute you change it, then everything down Main Street would be affected, so that is a hard no for me. I love the idea of having more density, but everything down Main Street would go to this density immediately, which is not what the commission is trying to accomplish."

f. Motion:

c. Motion: Commissioner Fran Peterson recommends that the petition is denied.
d. Seconded: Commissioner Heather Robertson.
e. Outcome: Unanimously denied.
f. Time: 8:07 PM

3. Public Hearing public hearing to accept public comments on changes to subsection 10.7A.3, and 10.7. B.3 CU-1 & CU-2 Zone Lot Size (Area), and Density Regulations: Nephi City will consider an update to the CU-1 & CU-2 zoning code that would allow:

a. For multi-unit buildings built vertically stacked. Unit on top of unit requires 7250 square feet of minimum lot size per dwelling unit on the bottom level, and no less than 3625 square feet per unit on the second or third level, approximately 50% required of what normally what normally for the bottom level, known as a vertical discount. The density per acre would depend on the building constructed, but would equate to approximately 8-9 units per acre?
b. The current requirement is 7200 square feet per unit, no matter what the level, which equates to six units per acre.

a. Staff Presentation

Shauna Talbot explained the rationale behind the city's proposed "vertical discount" policy, which already exists in one residential zone. The concept recognizes that when a building adds additional stories without increasing its footprint, it does not require the same amount of additional land because parking, landscaping, setbacks, open space, and access have already been accommodated on the ground level.

She noted that in some past developments, large amounts of land have been required but ultimately remain unused or un-landscaped, suggesting that current land requirements may sometimes exceed what is necessary. To address this, staff proposes extending the vertical discount to the CU-1 and CU-2 zones, which are located along arterial roads and are considered appropriate locations for higher-density, walkable development with access to services.

Under the proposal:

- The ground floor would continue to require the standard density calculation of 7,260 square feet per residential unit (approximately six units per acre).
- Additional residential units on upper floors would require only 50% of that amount (3,630 square feet per unit).
- Buildings in these zones may have up to three stories, but the discount would apply only to units on the upper floors.

- Commercial developments would receive a similar benefit, with the standard 8,000-square-foot minimum lot size applying at ground level and only 4,000 square feet required for upper-floor commercial space.

Talbot emphasized that all other development standards would remain unchanged, including parking requirements, landscaping, open space, setbacks, and residential buffering requirements. Staff's position is that vertical development should not be required to provide excessive additional land when the necessary site infrastructure and amenities are already accommodated by the building's footprint.

b. Public Hearing
TIME: 8:15 PM

Mr. Jordan Whitlock: I just wanted to say that I would also be in favor of approving this, but then making it so that it requires a PUD after a certain number of lots. So if there's like 24 units, you're fine, but then at the 25th you have to have to have a PUD and start providing amenities, just so that if there's individual lots like Mr. Carlton has then, but they have to be treated as like a common development. And you can't just have weird little developments that don't provide the services.

CLOSED TIME: 8:17 PM

c. **Commission Discussion**
Commissioner Heather Robertson: I mean, this kind of solves the problem. It's not quite as dense as the first proposal, but it still allows for more, so I feel way more comfortable with this staff proposal.

Commissioner Fran Petersen: I would say that it still just brings us up to what the code was like a few years ago, before we messed with it to some degree, so I'm not opposed to the units going vertical like this. Fran also expressed she wouldn't even mind considering a bit more density as well if they hear more back from city council. Mrs. Shauna Talbot responded that she personal favors the vertical discount, but would also be open to increasing the density as well in the CU2 zone only (not CU1). However, the staff proposal tonight is only addressing the vertical discount so that the second and third floors only require 50% of what would normally be required on the base floor.

d. Motion
- **c. Motion: Commissioner Heather Robertson moves to approve.**
- **d. Seconded: Commissioner Jim Nelson seconded the motion.**
- **e. ROLL CALL:**
  1. **Commissioner Jim Nelson: AYE**
  2. **Chairman Corry Thomson: NAY**
  3. **Commissioner Heather Robertson: AYE**
  4. **Commissioner Fran Petersen: AYE**
  5. **Commissioner Meadow Perides: AYE**
- **f. Outcome: Motion passes 4-1**
- **g. TIME: 8:30 PM**

4. **Public Hearing to accept public comment on changes to Chapter 3.7 residential facilities for elderly and disabled regulations. Nephi city will consider an update from chapter 3.7 residential facilities for elder and disabled that would require that:**
    a. **No residential facilities for elderly or disabled person shall be established or maintained within 1056 feet of another residential facility for elderly persons or residential facility for persons with a disability. The distance shall be measured in a straight line between the closest property lines of lots or parcels.**
    b. **This new code B, this new code reduces the amount of required distance between facilities from 3960 feet to 1056 feet. C. Also included in the proposed changes are minimum room size requirements for these types of facilities, such as minimum bedroom sizes, common room sizes, etc.**

b. Staff Presentation

Mrs. Shauna Talbot explained that Nephi City has received multiple inquiries about establishing small residential facilities for elderly and disabled individuals. These facilities are typically state-certified (1–3 residents) or licensed (4–12 residents). A recent proposal for a facility in the Savage Bluff Subdivision could not proceed because it was located too close to existing facilities under the City's current spacing requirements. She noted that the current ordinance, adopted around 2018, requires a minimum separation of 3,960 feet between facilities. However, similar distance requirements have been successfully challenged in court by other communities as unreasonable. After consulting with the City Attorney, staff concluded that the existing standard should be reduced to better align with legal precedent and accommodate the growing need for elderly and disability services as Nephi's population increases.

Staff recommends maintaining a separation requirement but reducing it to approximately two city blocks (1,056 feet). This change would provide greater flexibility for future facilities while remaining legally defensible and consistent with ADA-related considerations.

c. Commission Discussion

Commissioner Heather Robertson: I have questions. Why is there even a distance requirement? Mrs. Shauna Talbot responded it was placed to prevent over-saturation, that could cause it infringe on other equally good uses. So, for instance, with a short-term rental, if you're doing short term rentals, then you don't have an opportunity to do a different use such as housing rentals. So, it's more of a trying to make sure there's interspersed other uses within the neighborhood, so that can't be the only use that would be in the neighborhood. There were so many looking to come at the time that this code initially was passed in around 2018 in Utah, and there were a lot of companies that were wanting to put multiple amounts of these in the community. The distance was to pace the amount that could be approved, and that is how the distance even got in the code in the first place. We actually do not even have to do a distance. It could just be a permitted by right use and no fence on what the expectation would be.

Commissioner Heather Robertson: Would that mean that the city would make a determination on whether they approved it? Mrs. Shauna Talbot responded No, permitted by right means you can do it no questions asked. Get your business license and move on.

Mr. Seth Atkinson you could have an entire city. And it's not necessarily the fact that they don't want them as neighbors. It's just that a lot of these are run by corporations that have more means to place them in places than your average homeowner who just wants to buy a single-family residential home. Mrs. Shauna Talbot again responded that it is like short term rental like Moab, it's an opportunity cost, you get a short term rental at the opportunity cost of the housing you would have had, so a lot of communities will do a percentage or a distance requirement to limit and ensure other uses are thriving also in that zone.

Commissioner Heather Robertson: So the state of Utah allows 12 people per structure. But there are requirements also? Mrs. Shauna Talbot yes, room size requirement, and if it's a dual room, more room requirements. Common room requirements. You have to have one common area per site of a certain size. You have to have space in the kitchen between you. There's certain placement of rooms. Like you can't place a bedroom in a hallway and have people walk through your bedroom as the hallway. All of this is covered in the rules and regulations, and the facilities have to be checked off with the Department of Health and Human Services.

Commissioner Heather Robertson: Tell me more about the certified 1 – 3, is there a class they have to take? Mrs. Shauna Talbot responded that they do have to register with the state, they will need a business license. They are not as stringent, but there are still minimum requirements. There are also requirements with the ADA.

Commissioner Jim Nelson: So, do they just set up shop in an existing house for the smaller units? Yes, that is typical. Mrs. Shauna Talbot responded the state as quite a bit of parameters. They say what the kitchen has to be, what the common room has to be, they say whether you can count any storage space. They say the exact size of the closet. Many regulated minimums. If it's a child there may even be additional regulations. The smaller units are more simply regulated similar to a single-family home under the international building or residential code.

Commissioner Jim Nelson: So, I guess what I am asking is where are they going to find a place? Mrs. Shauna Talbot responded that the smaller ones could be located in an approved IADU for instance. There is one right now that would like to operate, but the distance limitations in the code are currently prohibiting it. Chrysalis has several single-family homes of various sizes utilizing this code, and plans to expand if the distance constrictions are changed.

Commissioner Fran Petersen: It's really interesting. I've been doing elderly people for a while, but my parents are aging, but no, we hired a nurse to come and take care, but if you she's not with them the whole day, then if you could have two other people and provide that service, and you're paying the nurse. Mrs. Shauna Talbot responded that she too has been through this with her sister two years ago, and had to place her in several care facilities because she had a need for that, and it's difficult to find maybe what you're looking for. This is something where you could create something useful as a home-owner for the community's needs, and just like someone who rents their basement to help them pay for a mortgage, it could help you, because you could use the same individual to check

on three individuals instead of one individual, and help kind of reduce the cost of what it might cost to take care of your mom, you know, help share that and share the mortgage cost, because they're going to be paying some rent, or sharing the cost of nursing services.

d. **PUBLIC HEARING**
TIME: 8:38 PM

No comment was given by the public.

CLOSED: 8:39 PM

e. **Motion:**
   a. **Motion: Commissioner Fran Petersen motions that the changes be adopted**
   b. **Seconded: Commissioner Heather Robertson seconded the motion**
   c. **Outcome: Unanimously passes**
   d. **Time: 8:40 PM**

5. **Discussion to update Section 11.6.12(5)(h)(1)to establish maximum levels in industrial and commercial zones.**
   a. **Staff Presentation**

Mrs. Shauna Talbot presented Nephi City has been talking about a data center possibly coming, as well as an agricultural park. However, with other industrial and commercial that is increasing at a faster pace here, and in looking to enhance our development code, we would like to establish acceptable noise levels in industrial areas. We do have a noise ordinance, but it doesn't necessarily specify what the maximum level of noise is, nor does it talk about how to measure it.

First of all, we can have a baseline of our maximums that we can look at during our site plan approval process. Second, if there is a noise complaint, based on the noise ordinance, and it has to do with an industrial or a commercial business, this code will continue to serve as our standard on how we would measure sounds. We are trying to avoid excessive noise. This is one of the complaints in other locales from early data centers that have been built, now technology has changed since then, and many other things have changed, but we wish to get ahead of any noise concerns.

We have been coordinating with the proposed data center and agricultural park representatives to see what their needs are to ensure we can have a safe environment, and establishing the parameters to set to see what standards they can meet and how we can ensure compliance.

We also patterned this after another community, Eagle Mountain, who has a comparable data center. This ordinance is patterned after their noise ordinance that they use for all their industrial and commercial in Eagle Mountain. First, we looked at setting daytime hours and limits and nighttime hours and limits. The daytime hours, when more activity is going on, it can go as high as 85 dBA but in the evening hours, the max is 75 dBA because you would expect it should be a little quieter at that time. The average of the measurement should be taken for one hour's time. The measurement of dBA and dBC is not strictly decibels, it is normalized for the tone a human ear hears. We will be taking the measurements at property line, so that it needs to be less than the maximum required at property line. You use a special device to measure it. If we were doing this at site plan,

we would expect them to turn in a special inspection to us. We can, but don't have to necessarily purchase this device. We would have a special inspection that they could turn in to us. Or if there was a complaint, we could have them turn in a special inspection. There are practitioners specialized in this. They would take an average of measurements over one hours' time, perhaps at three separate times, and figure an average. If a company is over the averaged measurement, then we would talk about mitigation measures with them. Enforcement would be through our noise ordinance using the measurements established in our site plan development code. They developer would have to pay for this

Chairman Cory Thomson: So, would that be done by a third party? Mrs. Shauna Talbot responded that it could be a third party. We could do it ourselves, but then we have to purchase the device and assign someone to do it.

Chairman Cory Thomson: I am just worried about if they did it themselves. Mrs. Shauna Talbot responded, we would probably just charge them a fee, put it on our fee schedule, and just like we have special inspections now that we do during building permit, and Lane just has them turn it into him, and it has to be by someone who is qualified. There are people that are certified to do this and use that device, that is an industry standard device, and then they just, just like a Geotech report. This would be a sound report.

Commissioner Heather Robertson: If you're making the business pay for it, and you have a homeowner who lives nearby who makes complaints? Mrs. Shauna Talbot responded that they would make the business pay for it at site time. On a complaint basis the cost would have to be worked out.

Commissioner Heather Robterson: When there is a noise complaint, who pays for the evaluation? Because I can see an unhappy neighbor reporting to you every year or less. Mrs. Shauna Talbot stated that it could be adopted on the fee schedule.

Commissioner Heather Robertson: If it didn't pass perhaps the company would they pay for it? Or if it did pass does the complainer pay for it? Mrs. Shauna Talbot stated that it was a good question and something that would need to be addressed.

Commissioner Fran Petersen: I guess the initial report would just be one snapshot in time, because they might ramp it up once they pass their test, you know? We would have to kind of figure that out that normally fall under, I think, our code enforcement, and so we may even have a device that our code enforcement officer can use. I don't think they're super pricey.

Commissioner Heather Robertson: We have talked about this a couple of times. Mrs. Shauna Talbot stated that it was correct now they are just trying to get the actual parameters of how we're going to measure where we're going to measure it and why we're going to measure it, and so that's, that's the basic basis of it. It's replaced a little bit of what was already there that was pretty restrictive. I mean, almost barely traffic level to a little bit louder, which most of our industrial is.

Commissioner Heather Robertson: And are there some exceptions for construction time? Mrs. Shauna Talbot confirmed that this was accurate. The following exceptions were more temporary nature, construction, landscaping, chainsaws, string trimmers, lawn mowers, all of those kinds of things that are temporary and to be specific, to the data center, about once a month they have to test their generators. So, these temporary things, during daytime hours, we allow that for a short duration on a temporary basis for maintenance purposes.

Commissioner Jim Nelson: Is there anything in there about low frequency, like humming? I mean, yes, it may not crack the 75 thresholds? Mrs. Shauna talbot responded in this there is vibration, temporal and tonal characteristics of sound. So if it has a pronounced audible sound that's whining, screeching, buzzing, humming for long durations of time, or there's one that's kind of intermittent, if something's kind of got a rhythmic sound to it, then when you're doing the measurement, you add so much dBC to the baseline, and so it's five that you add for one, and 10 if you add for the other. And so those are kind of in there if you've got buzzing humming. Because one of the things that people have complained about in other places like Virginia or whatever that initially did, these data centers is living next to something, and our Agri Park is going to be next to them, and these guys are going to also be next to it. And then also, to be fair, they're going to have some employees on site, so we want to not have it exceed what the recommended level is for a one-hour time period. We aim to be at least below what the current recommended level is for hearing loss or even the employees on site. Mr. Seth Atkinson also added that it will be one thing to consider as you zone additional areas for industrial use.

Commissioner Heather Robertson: As long as you address who's going to pay for complaints, I guess that is what I am asking. Mrs. Shauna Talbot responded that maybe that's something our staff can look at in between now and when we discuss next.

6. **Approval of Minutes**
    a. **Motion: Chairman Cory Thomson approves the minutes with the correction of Kolton Brost statement of the approval of the city.**
    b. **Seconded: Commissioner Heather Robertson seconded the motion**
    c. **Outcome: Motion Passes Unanimously**
    d. **Time: 8:50 PM**

7. **Adjourn**
    a. **Motion: Chairman Cory Thomson motions that the meeting adjourn.**
    b. **Seconded: Commissioner Fran Petersen seconded the motion**
    c. **Outcome: Motion Passes Unanimously**
    d. **Time: 8:51 PM**