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Nephi, UT 84648
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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: Alexandra Painter, Scribe

Scribe: Alexandra 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 presented and introduced the change that is being requested and that to consider the change, it will change the entire CU-1 zone. The project that will be discussed in tonight's meeting will be four properties in Bryce's Landing Plat A. Nephi City Staff are currently in favor of vertical discount in both the CU-1 and the CU-2 zones, though it is a little bit different than what Mr. Rick Carlton will present next. Both presentations will be given tonight.

b. Private Presentation – Rick Carlton

Mr. Rick Carlton thanked the staff for the opportunity. An information packet was given to each of the Planning Commissioners, the property that we are discussing is the property is down by Domino's. Domino's sits on lot 6 of Bryce Landing. Our group developed that property in two plats. There are six lots in plat A and 46 town homes

behind that in plat B, and the current owner is building those. The history of this particular property is that it's been in the CU-1 zone from the beginning, there has been some changes to the CU-1 zone codes that have narrowed the density and changed some of the things that could be done in that area. We are proposing a change in the current wording, from 7260 sq. ft. due to the fact you would need double the square footage of property. For example, if you have a 10,000 square foot lot, you could only have a single-family residence on that property. Currently where the numbers stand Bryce Landing lots are 10,400 sq. ft. roughly.

We're asking that that it be modified to what was mentioned by the chair, from 5000 for the first unit and 2500 for each unit on top of that. So, if you take the numbers the maximum you could get on there on a quarter acre lot is three units, and that coincides with your current Residential R-3 zone, giving a vertical discount going up. The definition of low density, moderate density and high density depends on where you are developing, like when we develop in Lehi, the definition of moderate density is different in some respects than in Nephi, which there is no right or wrong. It is just the preference of the community what they want to see done.

We are happy that the city and staff are supportive of doing some kind of vertical discount. The proposal we are presenting would allow those three units. I do not know if you all are familiar with Envision Utah, but most of the density is beneficial to be on a road that leads to the freeway. The closest number of units that you can get there is a bigger bang for your buck, because residents are not traversing through the community with all of those parties trying to get to another place when they are out and about. The beneficial factors are it keeps your costs lower on roads and infrastructure, it also allows them to travel less to your current grocery store and things of that nature, as well as less use of your major thoroughfares, which would be your Main Street. The two lots that face Main Street have been sold. You have dominoes on one side, and initially there was going to be optical office there. That has not transpired yet, but it may not transpire. The concern is the lots behind have not been conducive to selling commercially for 5 years due to the restraints, they have not sold. Parties who have put these under contract can't do their business with the restraints that are in there, the main one being the restriction on having a drive through in this zone.

However, there is an opportunity here to make this property viable and affordable for those who want to build homes in this community. The request we are presenting will change the language be changed to 5000 to 2500 because that is really considered Low to Low-Moderate in density. In the packet given to the commission, we have presented the visualization of what the units will look like, elevation changes, units, garages, and highlights each unit at 1400 sq. ft. So, it is not like you're going to have a draconian amount of high density. If you consider high density 12 units per acre. When you consider this design, our group thinks this design fits well from if you look at it on this property, from the Dominoes into the into the townhouses, this fits really well. There is about 800 square feet difference between the density in Nephi City's R-3, and this density. We are hopeful this planning commission will at least recommend it to the Nephi City Council.

c. Planning Commission Questions

Commissioner Fran Petersen: Asked Mr. Carlton about the allotted parking spaces. Mrs. Shauna Talbot clarified that additional parking would be required for these units. 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: Enquired 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. We have dropped the price, \$90,000, and they still won't sell. Two major drink entities, a bakery, had approached them purchasing the lots but with the drive-thru restrictions they backed out. ked out.

Commissioner Meadow Perides: Asked Mr. Carlton how the lots next to it 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 1/3 acre? Mr. Rick Carlton responded that they are requesting 3 units. The city measures by net square footage.

d. Staff Presentation

Mrs. Shauna Talbot presented that earlier she was incorrect on an item. Vertical is what is allowed in the zone, because this is our CU-1, and so it's primarily commercial, but does allow limited residential. So, I misspoke there. I do agree with some things that Rick was saying, such as a place to have some more density, generally speaking, is on arterial right of ways. That's one of the reasons I see this vertical discount as for reasons we've spoken to in the past. It allows them, and that that will particularly help him, because he has, we have to round up whenever you're just shy of the acreage, and he's just shy of certain acreages. So, like you said, some of these lots are point two, four, when it requires, let's say point two, five. And so, in some instances, he's losing out on a full unit just because of a little bit of acreage on some of this.

One of our biggest concerns is that we brought this question of density back to the City Council and Planning Commission multiple times as staff, and we've talked about this quite a bit, even when we did the R-3 1/8 zone and did the vertical discount, we had recommended an even greater vertical discount in the R-3 1/8 and ultimately it came out of this body, and then was accepted by city council that they wanted to have the sizes larger. And so, for instance, in that zone, you start with a 5445 on the base, bottom floor, and then only a 45% discount on this one, and you'll see the city is proposing a 50% for a

couple of reasons. You're starting with more property, and so you kind of need a greater discount to get you there. And it's kind of in keeping with our highest density zone, which is the R-38 zone, some of our reticence with going as low as the 5000 is that's even greater density than our highest density zone. And in Nephi City, he's right it's a matter of definition, 12 units per acre in our city would be considered high density, not low or moderate density.

And it also it is just a matter of definition and opinion, but it's even greater than we have in our highest density zone, that 5000 he's looking at. And some of our concern is just because of the feedback we received in the past on from leadership on densities. Mr. Carlton has made a lot of good points. It allows him to be walkable, to like the grocery store, to the hospital and some things like that. And if you're going to put it somewhere, the arterial roads is a place you can put it, if you can address the things that are in the code, such as the parking but we are still kind of concerned because of the feedback we've had in the past of doing this zone wide, but we do think that one of the first steps to try and accomplish more reasonable land requirements per unit is this vertical discount while still have all your setbacks, your parking, the landscaping that you would have before we're just going vertical. So as staff, we felt the most comfortable supporting that given previous discussions and given that this is zone wide.

Mr. Seth Atkinson: 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.

e. 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 to 700 minimum, and so this would give an opportunity as it is not in competition with townhouses. This is a product that can be utilized in this community for those who need the affordability. That's my only comment in the public hearing portion.

Mr. Jordan Whitlock: I just came to support hired in city housing and Nephi, my wife and I have been trying to live here for a little bit, and we just were able to buy a lot. But it is going to be a big stretch for us to be able to build anything. But looking at Zillow as of like, five minutes ago, 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, 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, to keep the community thriving, if we want to increase our tax base, if we want to 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: 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 and under. You know, with our townhouses, we're hitting a 350 to 400 price range, but we need a lot more. Basically, lower interest rates aren't coming down. I think what we used to think of when we heard affordable housing was one thing, but when 300,000 \$250,000 is affordable housing, these are professionals, usually two income earners, households that are living in these properties. This isn't what comes to mind. It was just like, you know, you're like, a slum or, you know, some sort of, really run down place. So, I just wanted to speak to that market need I'm seeing the exact same thing.

Mr. Ryan Lynn: Just same thing, you know, our oldest daughter's getting married in two weeks. Her husbands from Nephi, who work in Nephi, can't afford to live in Nephi. There's nowhere for him to live. They have to commute from Payson to come and work in Nephi. He works over at Chapel, auto motives, and my daughter's currently looking for a job in Nephi that they want to live here because they grew up in the community. You know, 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. That's all I have to say.

CLOSED: 7:40 PM

f. Commission Discussion

Commissioner Meadow Perides: I have a few things on it. I kind of have some mixed feelings on it, just because of the density on it. 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: 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 I agree 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 council I'm going on is because our plan, our city plan, is that direction. 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: I haven't been on this commission as long as some of the others, so I don't, I don't have their depth of knowledge on all the zones and the rules, but

we're talking about changing an entire the definition of an entire zone is there, is there no ability to and we've had several come up where we don't want to spot zone, right? So, you know, in the center of the city that we had one couple about a month ago, I think it was that we didn't want to change, change the whole block just for one project. This area is already high density. It's right behind it. Is there not a way to get some kind of variance or something for an area where something because I don't know if my math is right, but he's about 475 feet off of achieving his goal under the proposed the city's proposals. I mean that's right on the cusp of that. Mrs. Shauna Talbot responded that the CU-2 zone could utilize that, or if it could be included in the PUD next door. There are rules for variances that the state of Utah lines out. We could table it, if you are not comfortable giving a recommendation. We may have to come back as a city. One thing I would say is, don't make your decision based on this project. Definitely make your decision based on the full zone.

Commissioner Fran Petersen: some of my thoughts are that we really do need to do something when we when, at least you and I, we were put on this at the same time, it was eight units per acre, and we've actually backed that off. So, it's even less than it had been throughout the history of Nephi. There are some issues with the 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, because there might have not been a lot of foresight on how big to make those laws, like, maybe they just weren't big enough in the first place. If we are then maybe we're better off changing some commercial code so they can put in a drive through or sell it too, you know, that type of a thing, and it would have less of a waving impact. I do think we need to increase density. It's a problem and, and the thing is, is that 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, if you do not do multiple housing is not, because they're trying to meet our requirements, but they don't want to landscape it and paper that much water and grass. So like, there's one down the south end of town, and there's a trip, trip one Howard Johnson, and there's another piece of property next big enough to build another tripod, and it's just because they're trying to meet the requirements. 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, we have an approved plan for a that is zoned a different zone, though 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. It's a problem across the whole state. Changing one's own is not going to solve that problem throughout

the whole state. And I've said another one, other things have come before this body. I think back and Rick mentioned the general plan, when that was updated 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 rule.

Commissioner Fran Petersen: I would say that when the community told us that they wanted to remain rural and so rural, that was probably 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.

Commissioner Heather Robertson: I love the idea of being rural. but reality is we need more. I don't know that. Like, what year we were still in 2022 interest rates were lower.

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: 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, I would want direction from City Council on which direction, you know, do they do they still want to stick with the Rural situation, 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: 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: 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 setbacks. Maybe we got a little carried away with, you know, I mean, I would like to change that back.

Commissioner Heather Robertson: I feel like this helps in being able to see what, what we're you know, like, I like the visual of seeing these that is helpful to me. determine, I kind of want to hear what the city has to talk about too I'm with Fran, and I think this density is too dense, but I would like to see more density allowed, and so I would be interested in seeing what the city is proposing before. I would like to see what 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. What is it 450 square feet is what they're off to have a third unit?

Commissioner Meadow Perides: I would like to motion that they take it to the city council. 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 look at a different zone, if it will still allow businesses and residential? And I know that CU-1 does that. Mrs. Shauna Talbot stated CU-2 would as well. It would end up being a spot zoning situation. Commissioner Perides replied that we really do need to look at it because of the affordability situation.

Commissioner Heather Robertson: Shauna, I do not know that it's necessarily spot zoning. It is, but it isn't because we wanted CU-1 and CU-2, and the planning commission had kind of wanted to do that down Main Street anyway, so I'm comfortable doing that because I don't see the difference.

Commissioner Fran Petersen: I mean, when torn I don't know, like, I feel like we need higher density. I just don't feel like you have a parking there. So, like, if there's a way to adjust that, and I don't feel like the parking is decide. Mr. Rick Carlton stated that there was a way, it could be designed differently, they could be stacked three tall. Shauna Talbot responded also don't make your decision based on this proposal. Make it on this zone, because it is going to change the entire zone, not just this. So they'll always have to meet their parking requirements. That's already in code, but you're recommending that you change. You're recommending a code change. Oh, anyway, yes, it will not include a density. It will only require it will only recommend a vertical discount. At this time again, because feedback we've got, and over time, there comes a point where staff has to step back and listen to what we've been shared with both the City Council and Planning Commission.

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: Yeah, what you could do is you could send this forward to city council. You could recommend denial, because otherwise you're recommending approval, and say with the caveat that the city comes forward with and to discuss having additional

density and find what the appropriate additional density might be in these two zones or in this zone.

Mr. Seth Atkinson: also added Here's kind of two questions, though, because the proposal is, creating additional density through a vertical discount and creating additional density just by allowing more units per acre. So you'll want to consider kind of those independently, but you may want to recommend them together as well.

Commissioner Heather Robertson: Yeah, I'm not willing to change the whole cu on zone, though, because if the minute you change this, then everything down Main Street can be distance. So that's a hard note for me. I love the idea of having more density, but everything down Main Street would go to this density immediately.

g. 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 10.7, dot A, dot three and 10.7. B, dot three, cu one and CU two, zone, lot size and density regulations in five cities will consider an update to the CU-1 and cU-2 zoning code that would allow 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 eight to nine units per acre? The current requirement is 7200 square feet per unit, no matter what the level, which equates to six units per acre.**

a. Staff Presentation

Mrs. Shauna Talbot presented that the city already has one zone that has, we have implemented this vertical discount option. The idea, as you look here is you're already using the same footprint as you go vertical, and so we don't need in much the same manner as when you have a twin home and you have a shared wall, and you have no setbacks. You don't need quite as much land around for all of the things, the setbacks, parking, landscaping, open space, drive paths, those are already taken care of because the footprint hasn't changed at all. We've looked at in the past other areas in town where probably some excessive, in my opinion, amounts of ground has been expected for properties. Like the Howard Schuntz piece when he came in and talked to us, there's sometimes some larger areas of land, or up here with the eight Plex, that ends up not being landscape. Now, to be fair, it's the owners that are choosing not to landscape it, but sometimes it's highest and best use of the land.

We would like to try and propose, at least in the city, in the CU-1 and CU-2, because it is on our arterial streets. It is a place that, planning wise, we want to have, maybe our higher density, because they have access to services. It's more walkable. And so this will

allow developers to make a project a little bit more feasible and not overkill for the need of excess ground. And again, we've already taken care of all the same things we would have taken care of in the first place. And so we are saying 50% in our R-3 1/8 zone, it's only a 45% discount. But also, you start from a baseline of eight units per acre, not six units per acre. And so a little bit more gets us closer to the size of Lot. So on the bottom level, we would still expect 7260 square feet, or six units per acre, but then half of that on the second floor or third floor. In this zone, you can have two levels or two stories up to 45 feet tall. What? Just two? Just two levels. No three. They can have three levels. They can have three stories in this zone, but the upper two are the only one the vertical discount would apply to. Sorry, I probably misspoke. And then also, because this is a CU zone combined, use zone one and two, commercial is also allowed in this zone. And so our feeling is the same should apply to the commercial normally. On the baseline for these two zones, 8000 square feet is your minimum lot size. But if you go vertical, then you'd only need 4000 square feet for above, they still must provide all the parking for the uses. They still have to provide all the open space, all the minimum landscaping, the 10' buffer, if it abuts residential, and so all of that is still governing this. But again, you're going vertical, and so we should not over expect land when all of our services and needs are kind of taken care of.

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, 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 that.

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. So, I'm not opposed to the house, the units going higher than this, like 10 per acre, or doing an additional you said there's two prongs, like the footprint, and then just housing. Mrs. Shauna Talbot responded that either the vertical discount or just increasing density, yeah, and I'm not opposed to that going up from there. All we are addressing is 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

- a. Motion: Commissioner Heather Robertson moves to approve.**
- b. Seconded: Commissioner Jim Nelson seconded the motion.**

- c. **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**
- d. **Outcome: Motion passes 4-1**
- e. **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. 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.**

- a. **Staff Presentation**

Mrs. Shauna Talbot presented Nephi City has had at least two parties, and over the course of the four years I've been here, several parties look into what they want to do for some either elderly or disabled facilities, the ones that are primarily reaching out to us are ones that would either be termed the state terms them, not licensed, but certified. So certified is from one to three residents, and licensed is from four to 12 for a small residential facility, which is what we primarily have here in Nephi, we do have some larger ones, medium sized ones that would include Laurel groves and what used to be called Heritage Hills. But the ones who are talking to us right now are in that small residential category.

Showing the map the yellow dots, are their current facilities. And then the other one was looking for an elderly facility that they want to build in the Savage Bluff Subdivision. This individual would like their mother to live there because they need some assisted help, and then rent out some of the rooms and run it as this type of a facility, either as a certified one or as a licensed one. However, because the Savage Bluffs was too close to other Chrysalis facilities, they were not able to. Chrysalis was also proposing a location that was already close to one of the other existing facilities.

This code was done in about 2018 originally, and the distance for lineal straight path from parcel line to parcel line was 3960 feet. Over the course of the years, up to maybe last decade, a lot of individuals in areas outside of Nephi have gone to court, and they have found this distance to be not supported, and they have taken other municipalities to court and have won against cities, saying this is an unreasonable distance that there that cities are expecting them to be located from one another.

We have consulted with our city lawyer, Brittany, and she recommended that we dial that back a little bit. In addition, Nephi City is increasing in residence, and when you increase in residence per capita, you tend to need more services for multi types and will need more disabled, aged, or elderly services. By reducing that, gives us more

flexibility in being able to have somebody do that and serve the needs of our community members.

It has been recommended by the staff that it would probably be appropriate to still have a distance requirement. We recommend a two-block distance. In Nephi City each of our city blocks are 528' from center line to center line, and it was agreed to double that. That doesn't mean we will have a facility, but if the opportunity would be there to be put in. It also falls in line with what can be substantiated in the court of law, for ADA compliance.

b. Commission Discussion

Commissioner Heather Robertson: I have questions. Why is there even a distance requirement? Mrs. Shauna Talbot responded because over saturation, and it infringes on other 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. So, it's more of a trying to make sure there's interspersed other uses within the neighborhood and not that can't be the only use that would be in the neighborhood. There were so many at the time that this initially got put in in 2018 there were a lot of companies that were wanting to put these multiple, multiple of these in the community. And so that's how the distance ever got in there in the first place, but we don't have to do a distance. It could just be a permitted by right use and no fence on what the expectation.

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 the opportunity of cost, so a lot of communities will do a percentage or a distance requirement to limit and ensure other uses are 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 you have to have a site, certain size of common area. You have to have space in the kitchen between you. There's certain placement of rooms you can't like 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, and there are still minimum requirements. There are also requirements for the ADA.

Commissioner Jim Nelson: So, do they just set up shop in an existing house for the smaller units? Yes, larger units are bespoke. Mrs. Shauna Talbot responded they've got 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. Minimums. If it's a child. It like they really have got an ad nauseam on the four to 12, on the others. It's more kind of on the Ibis international residential code. It's more the minimums you would have for any person in any single family home.

Commissioner Jim Nelson: So, I guess what I am asking is where are they going to find a place? Mrs. Shauna Talbot responded that in the IAU's would count, IAU use so the one they're looking to do that they're prohibited to do right now is in a homeowner's base. It that it's going to so here's they've got right now, 4 that are three and less in the community chrysalis does, and they've got around the five to six residence mark that would be considered a small residential facility.

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 having been through this with my sister two years ago, I 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. And this is something where you could create something, 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.

c. PUBLIC HEARING
TIME: 8:38 PM

No comment was given by the public.

CLOSED: 8:39 PM

- d. 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 to establish maximum levels in industrial and commercial zones.

a. Staff Presentation

Mrs. Shauna Talbot presented Nephi City has been talking about data center possibly coming, as well as an agricultural Park. However, with other industrial and commercial that is increasing at more a faster pace here, and in our development code, we would like to try and have a kind of a level of noise. 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, that this is kind of the level that we would and how we would measure it, and so we're trying to avoid excessive noise. This is one of the complaints in other locales from early data centers that have happened. We have been coordinating with the data center and the agricultural part to see what their kind of needs are and what they think they can meet.

We also patterned this after another community, Eagle Mountain, who has a data center, and so this is after their noise ordinance that they use for all their industrial commercial in Eagle Mountain. So, we looked at setting daytime hours and limits and nighttime hours and limits. So the daytime hours, when more bustling is going on, it can go as high as 85 but in the evening hours, the max is 75 because you would expect it should be a little quieter at that time. which is very at 85 that's when you could if it's going for greater than an hour at 85 DBA, which is not decibels. It's kind of a decibel that's been it's a scale that is based on human ear subjectivity, then you can get air damage. And so we're measuring this at property line, so that it needs to be less than that at property line. And it's used, 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 won't necessarily purchase this device. We would have a special inspection that they could turn into us. Or if there was a complaint, we could have them turn in a special inspection. And the practitioner, there are some out there that have this, they would go out with the device and they would measure and take an average of three over the course of some time, and average it, and if they were less and if not, then we can talk about mitigation measures with them, using our noise ordinance. They would have to pay for it.

Chairman Cory Thomson: So, would that be done by a third party? Mrs. Shauna Talbot responded that 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, Oh, we would. We would probably just charge them a fee, put it on our fee schedule, and just like our 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 a 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.

Commissioner Heather Robertson: When there is a noise complaint, who pays for the evaluation? Because I can see an honorary 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 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 because they might ramp it up once they pass their test, you know? Mr. Seth Atkinson stated very sarcastically that it would never happen. Commissioner Petersen because you guys have some experience with honor neighbors. Mr. Seth Atkinson honor neighbors might actually be correct because the honor neighbor might actually be correct, yeah, or they might just be making the same compliance. So, yeah, yeah, 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 threshold? 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 DBA 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. So we've we're 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**