

The Meeting of the Nibley Planning and Zoning Commission held at Nibley City Hall, 455 West 3200 South, Nibley, Utah on Thursday, September 5, 2019.

The following actions were made during the meeting:

Commissioner Obray moved to recommend approval of the proposed Nibley Farms Subdivision Preliminary Plat, a proposed 32.49-acre Rural Preservation Subdivision located approximately between 1200 West and 1500 West and at 3400 South with the findings stated by City staff:

1. Include side walks, curb, gutter along 1200 West and 1500 West (all improvements)
2. Plat needed to show utility connections and existing utility lines
3. Sensitive area designation plat is required
4. Plat needed to show street trees along 1200 West and 1500 West
5. Plat needs to show trail connection on 3412 South

And the recommendation that open space bordering 1200 West is dedicated to Nibley City. Commissioner Albrect seconded the motion. The motion passed unanimously 5-0; with Commissioner Obray, Commissioner Albrect, Commissioner Swenson, Commissioner Mansell, and Commissioner Logan all in favor.

Commissioner Obray moved to approve and recommend the proposed Moderate Income Housing Plan, an addition to Nibley City's General Plan. Commissioner Logan seconded the motion. The motion passed unanimously 5-0; with Commissioner Obray, Commissioner Logan, Commissioner Swenson, Commissioner Albrect, and Commissioner Mansell all in favor.

Planning and Zoning Commission Chair Garrett Mansell called the Thursday, September 5, 2019 Planning and Zoning Commission meeting to order at 6:00 p.m. Those in attendance included Commissioner Garrett Mansell, Commissioner Bret Swenson, Commissioner Carol Albrect, Commissioner Matt Logan, and Commissioner Tyler Obray. Mr. Stephen Nelson, Nibley City Planner, was also present.

Approval of 8-15-19 meeting minutes and the evening's agenda

General consent was given for the evening's agenda.

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

A Public Hearing to receive comment on the proposed Nibley Farms Subdivision Preliminary Plat, a proposed 32.49-acre Rural Preservation Subdivision located approximately between 1200 W and 1500 W and at 3400 S

Commissioner Mansell gave direction to the public present and opened the public hearing at 6:01 p.m.

Mr. Nelson read public comments from Tyler Sadler and Frank J. Smith into the record (written comments are included in the written meeting minutes).

Mark Tourgasen of 1400 West 3390 South said the development was right behind him to the west and to the south. He asked how many homes would be behind him? What kinds of homes; single level, double level? He noted from the plat that the frontage was 80 feet and speculated that there would be portions of three houses in his front yard. Mr. Nelson clarified that there would be two homes bordering his yard. Mr. Tourgasen asked if the frontages in Nibley had changed? He also asked if it was proposed to extend and link 3390 to 12th West? Mr. Nelson said the road would link through.

Brian Anderson of 3200 South asked if this was on the railroad track road and was told it was not. He asked, from a safety perspective, if they had 80 homes coming to the area, he was curious to know how the City knew if the streets and police care would be adequate? He said if he had similar property he would be doing the same because it was more economical.

Seeing no further comments, Commissioner Mansell closed the public comment period at 6:11 p.m.

Mr. Nelson addressed the frontage question by describing the R-PUD ordinance requirements. Mr. Nelson addressed the questions about streets and reviewed the Nibley City Transportation Master plan.

Discussion and Consideration of a recommendation for the proposed Nibley Farms Subdivision Preliminary Plat, a proposed 32.49-acre Rural Preservation Subdivision located approximately between 1200 West and 1500 West and at 3400 South

The applicant, Travis Taylor, was present at the meeting. He said he had received feedback from the last Planning Commission meeting, which he'd converted into his design: the addition of the local road running north and south and converting another road from a cul-de-sac to a through street. Mr. Taylor highlighted the concentrated open space along a canal with a walkway. He said his desire was to provide connectivity to the open space so the development didn't feel like an isolated space. Commissioner Obray questioned if the open space would be in Nibley City's possession. Mr. Nelson and Mr. Taylor clarified that the open space would be dedicated to the City for the City's use. Commissioner Swenson read from the R-PUD code. He read it that the City Council would take the space and put the burden of development on the developer. Mr. Nelson described what he felt the intent of the code was. Commissioner Obray said he felt there was a point of conflict on whether the open space were left a hay field or if they required grass, landscaping, and irrigation. Did the City Council want a grass, landscaped park and were they willing to use park impact fees to do this? Or does it remain

agricultural space? He believed the proponent intended to leave the property as was and he thought this needed to be investigated before it went before the City Council. Commissioner Albrect asked if it made a difference to the developer if they developed the open space or left the land as was. Mr. Taylor said it didn't make much difference and they were not going to promise things to homebuyers. Mr. Nelson and Commissioner Mansell discussed the collection and use of park impact fees. Commissioner Obray asked if the City took on potential liability for overland flooding if they took ownership of proposed open space on the property. He asked about the grading on the property? Mr. Taylor said all the roads drained from the east to the west. He didn't want to open the space to overland flooding. This was the concern he had with public ownership. The Planning Commission discussed park needs in the area of the proposed subdivision.

Commissioner Swenson asked if there were any guidelines or statues that governed how many phases could be in a development? Commissioner Swenson said Nibley City code required that phasing was logical and orderly. He said the number of phases was a concern because the roads would be built in chunks. Commissioner Swenson asked if the applicant was opposed to reducing the number of phases in the subdivision. Mr. Taylor said it would be in their hope that they could reduce the number of phases but he had experience that economics could turn. Commissioner Swenson said this should be addressed in the future. They needed something to protect themselves from over-phasing. Commissioner Swenson said he hadn't had a chance to review the sensitive area plan, the tree-planting plan, or maintenance plan because of the late submission. Mr. Nelson said he had concerns with the sensitive areas plan because he would want them to check to see if there were any registered wetlands within 400-ft. Mr. Nelson knew there were no registered wetlands on the property. He had the concern to check and see if there were wetlands around the property. Mr. Nelson said the maintenance plan complied for preliminary plat with the only outstanding issue being the open space ownership, which would be determined by the City Council. Mr. Nelson said the applicant met 3/7 criteria for open space. Commissioner Swenson said in his view there wasn't enough variation of lots size in the submission. Mr. Nelson said this was a general policy in the code, however the standards provided a minimum and average lot size; as long as they met those standards the developer was fine. Commissioner Swenson asked for Mr. Nelson's findings based on the new submissions that had been made. Mr. Nelson said there had been a lot that had been fixed but suggested the following conditions if the plat were recommended:

- 1-Include side walks, curb, gutter along 1200 West and 1500 West (all improvements)
- 2-Plat needed to show utility connections and existing utility lines
- 3-Sensitive area designation plat is required
- 4- Plat needed to show street trees along 1200 West and 1500 West
- 5-Plat needs to show trail connection on 3412 South

Commissioner Obray moved to recommend approval of the proposed Nibley Farms Subdivision Preliminary Plat, a proposed 32.49-acre Rural Preservation Subdivision located approximately between 1200 West and 1500 West and at 3400 South with the findings stated by City staff:

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And the recommendation that open space bordering 1200 West is dedicated to Nibley City. Commissioner Albrect seconded the motion. The motion passed unanimously 5-0; with Commissioner Obray, Commissioner Albrect, Commissioner Swenson, Commissioner Mansell, and Commissioner Logan all in favor.

A Public Hearing to receive comment on the proposed update Moderate Income Housing Plan, an addition to Nibley City's General Plan

Mr. Nelson gave an overview of the Nibley City Moderate Income Housing Plan. He summarized each section of the plan. Mr. Nelson said Nibley City's intent was to implement the following into the Nibley City General plan:

1. Allow for and reduce regulation related to accessory dwelling units in residential zones.
2. Allow for higher density of moderate-income residential developments in commercial and mixed-use zones, town center, neighborhood commercial, and other employment areas.
3. Rezone for densities necessary to assure the production of moderate income housing.
4. Partner with organizations that offer grants or other assistance in housing affordability.

Commissioner Logan asked if Mr. Nelson knew if the requirements being adopted by Nibley City were similar to the ones being adopted by other cities. Mr. Nelson said they were similar because they were some of the easier ones to achieve. He described some of the options other cities were doing.

Commissioner Mansell gave direction to the public present and opened the public hearing at 7:42 p.m.

Nathan Laursen of 1425 Sunset Circle said he'd lived in some cities that had done things ordinance wise that were ugly. He said there were ways to encourage builders and

limiting the number certain housing types that could be built. Mr. Laursen felt the recommended suggestions were good.

Seeing no public comment, Commissioner Mansell closed the public hearing at 7:44 p.m.

Discussion and Consideration of a recommendation for the proposed Moderate Income Housing Plan, an addition to Nibley City's General Plan

Commissioner Albrect suggested the Planning Commission read two books: I-Geners and The Next Mormons. She said young people were less religious and were getting married later and having less children. She discussed how the kids she taught were changing dramatically. They were much less likely to want to pay a lot for housing; they wanted to have money to travel. Commissioner Albrect discussed the regeneration of Cache Valley and that it was based on patterns in the LDS church. Commissioner Albrect thought Cache Valley would have more people that were single much longer and didn't feel this was being taken into account as much. She said that issues were not only what they could afford, but also what they were willing to pay.

Commissioner Obray moved to approve and recommend the proposed Moderate Income Housing Plan, an addition to Nibley City's General Plan. Commissioner Logan seconded the motion.

The Planning Commission directed Mr. Nelson to some typo and technical errors in the plan.

The motion passed unanimously 5-0; with Commissioner Obray, Commissioner Logan, Commissioner Swenson, Commissioner Albrect, and Commissioner Mansell all in favor.

Workshop: Dark Sky Ordinance

Mr. Nelson discussed the proposed provision of the dark sky ordinance. He discussed a lighting buffer surrounding Firefly park. Commissioner Obray asked if lighting on a backyard basketball hoop would be prohibited. Mr. Nelson said the lights would have to be shining down. Commissioner Obray thought the dark sky was ridiculous and was micromanaging with additional regulations. Mr. Nelson said that most of Nibley City would be grandfathered in but new construction would have to be dark sky complaint. The area round Firefly park would need to be compliant by 2024.

Commissioner Logan said he liked the dark sky ordinance; it was freaking awesome!

Mr. Nelson asked the Planning Commission to review the Dark Sky ordinance over the next couple weeks. He said Nibley City's Building Inspector and attorney were also looking over the ordinance.

Workshop: Rural Preservation Subdivision

Mr. Nelson said after the recent rural preservation subdivision had come in, Commissioner Mansell had requested the Planning Commission review the ordinance and look at different aspect of the ordinance to see if a couple of changes could be made to it. Mr. Nelson said his opinion was new ordinance had gotten them better subdivisions and better recommendations than they have had. Mr. Nelson believed the Rural Preservation subdivision walked the line between what they wanted to preserve and allowed a variety of these things, which caused problems. He questioned if the Rural Preservation subdivision addressed what type of open space the City really wanted and if the City wanted to take up ownership of open space. Mr. Nelson said he was concerned that residents were not aware that the rural preservation subdivision was an option. The Planning Commission discussed what the City Council envisioned getting from the rural preservation subdivision.

Commissioner Mansell said he liked to see the protection of existing homes; that abutting homes needed to be complaint with existing homes, or a transition that would give a variation of sizes. Commissioner Mansell said Mr. Nelson had suggested making the rural preservation as an overlay zone like the planned unit development ordinance. He felt this would give the citizens a say. Commissioner Mansell also suggested changing the zoning on remaining acreage to be annexed to Nibley City a minimum of 15,000 square feet. Commissioner Albrecht said she didn't want to make the minimum bigger because they wouldn't get any open space land. Commissioner O Bray said he liked the land but didn't want an alfalfa field. Commissioner Swenson suggested the name of the ordinance be changed to Open Space ordinance and take out the "rural" expectation said he wished every subdivision was a rural preservation subdivision because they got open space. Commissioner Albrecht agreed with Commissioner Swenson that they needed to have bigger diversity of lots and not have cookie cutter homes. Commissioner Swenson said this would give diversity in socioeconomic, visually, and houses size. Commissioner Swenson suggested the ordinance be tweaked so they could have more say over what the open space was.

Mr. Nelson suggested the Planning Commission do a mobile workshop at their next meeting so they could get an idea of what is in Nibley City and what the Rural Preservation ordinances had produced.

The Planning Commission discussed placing a moratorium on Rural Preservation subdivision applications and discussed items in the ordinance they felt needed to be worked on:

1. Buffering
2. Diversity of lots
3. Overlay
4. Less options for open space
5. Better control of open space

Commissioner Mansell suggested there be a workshop with all the Planning Commission and the City Council. Mr. Nelson said he would plan the mobile workshop and would talk with Mayor Dustin about doing a moratorium. Commissioner Swenson suggested they do these things after the City Council sees that current rural preservation proposal.

Commission and Staff Report and Action Items

Mr. Nelson reminded the Planning Commission of the Parks and Trails mobile tour being held on Saturday, September 7, starting at 4:00 p.m.

Mr. Nelson reminded the Planning Commission of the Utah League of Cities and Towns conference being held September 11-13, 2019.

Mr. Nelson showed the Planning Commission the new Nibley City website.

Commissioner Swenson left at 8:38 p.m.

Commissioner Mansell adjourned the meeting at 8:39 p.m.

Attest: _____
Deputy City Recorder