

1 The Meeting of the Nibley Planning and Zoning Commission held at Nibley City Hall, 455
2 West 3200 South, Nibley, Utah on Thursday, November 7, 2019.

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4 The following actions were made during the meeting:
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8 Planning and Zoning Commission Chair Garrett Mansell called the Thursday, November
9 7, 2019 Planning and Zoning Commission meeting to order at 6:03 p.m. Those in
10 attendance included Commissioner Garrett Mansell, Commissioner Bret Swenson,
11 Commissioner Carol Albrect, and Commissioner Matt Logan. Mr. Stephen Nelson, Nibley
12 City Planner, was also present.
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14 **Approval of 10-3-19 meeting minutes and the evening's agenda**

15 General consent was given for the evening's agenda.
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17 General consent was given for the previous meeting's minutes.
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19 **Workshops**

20 **Rural Preservation Subdivision and Open Space in Nibley City**

21 Mr. Nelson led this presentation. Mr. Nelson reviewed what items the Planning
22 Commission had wanted to discuss during their last Planning Commission meeting: a
23 name for the subdivision ordinance (that rural preservation subdivision might not be the
24 most appropriate name for what they were trying to achieve), how to control the
25 development of open space (what mechanism could they put in place to encourage
26 open space and how the city can control what it looks like, and buffering along collector
27 and arterial roadways.
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29 Commissioner Obray arrived at 6:04 p.m.
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31 Mr. Nelson suggested a new name for the subdivision was appropriate but suggested
32 the Planning Commission wait to see what control were put forth and what the overall
33 goals of the ordinance were. He suggested they come up with a name after they figure
34 out what they wanted to do with the ordinance.
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36 Mr. Nelson thought they needed to try and hit a balance with control of open space so
37 the City got what they wanted but developers were also incentivized and secure enough
38 to use the ordinance. Mr. Nelson reviewed three different ways he felt they could
39 achieve this:
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- 41 1. Require the City own all open space. This came with limits; the city would be
42 limited on what they could require the developer to do as improvements with
43 the open space. State law could look at this as an exaction.

2. Administrative requirements; this is what they currently had in the Rural preservation ordinance but these could be fine-tuned. Mr. Nelson said this option was the most appealing to the developer but provided limits in that it constrained the City by code.
3. Doing an R-PUD type overlay zone. This would give the City a lot more discretion on what they could require. But if the incentive were not there in density it might disincentivize a developer from developing with the rural preservation subdivision. The City could also require more because the developer would be voluntarily seeking the development.
4. Transfer of development rights. A developer could find someone with development rights on their property and purchase their development rights.

Commissioner Albrect reported that she'd gotten in touch with citizens and had gotten some interesting responses. Commissioner Albrect said her overall take away was that they didn't have a clue as to what the City was doing or wanted the City to get out of everything. She said not a single one of them wanted more parks but had expressed interest in a recreation center. Commissioner Albrect said the public needed to be educated. Commissioner Mansell said he'd had a similar experience when talking with citizens during the presentation of the Mount Vista subdivision. Commissioner Mansell wondered if they should make the bonus density enticing enough that some would use it or if they should go back to development under R-1 and R-2 and amend those ordinances.

Mr. Nelson thought one of the biggest problems was what the City and public wanted was inconsistent along subdivisions and area of town. Commissioner Mansell said this was making him lean more towards an overlay zone but also wanted to reduce the lot sizes or tweak the R-1 and R-2a zones. With an overlay zone they could dictate what they wanted in one area or another. Commissioner Obray said the value of home was not determined by the size of the lot. He liked the ability of the City to have its open space. Commissioner Obray said the part of the ordinance that irked him was if there were non-developable land, or the land couldn't be developed except under great expense, he didn't like giving a bonus for something they couldn't do already. His only issue was giving a density bonus when a developer wasn't going to be able to do anything anyways. Commissioner Swenson said he felt 100% of their subdivisions should be rural, open space subdivisions; this gave the community uniqueness, creative design and open space the City can't buy. Every subdivision should be an open space subdivision; otherwise they only got regular subdivisions. Commissioner Obray said the ordinance was fine how it was; there was going to be good and bad. Commissioner Logan said he was against private open space. The only place it had looked good was in the Cottonwoods and Meadow Creek subdivisions. Commissioner Obray thought they were honing down to quality and maintenance of open space and suggested they could require open space land be dedicated to the City, they could have their own private park, or they could hand open space over to an HOA that had to maintain and have different fees to regulate the impact of each option. Commissioner Obray said they

1 needed to figure out a way to be cost neutral to the City. Mr. Nelson and the Planning
2 Commission discussed fencing on rural property. Mr. Nelson and the Planning
3 Commission discussed buffering in rural subdivision.

4
5 Mr. Nelson suggested different ways to regulate open space standards. They could write
6 out a bulleted list of things that needed to be done for improvements. This could also be
7 done for trails and buffers, and he said he would look into a hybrid option. Mr. Nelson
8 felt they were leaning more towards the administrative process for subdivisions as
9 opposed to a legislative process. Commissioner Mansell said there should be minimum
10 open space size requirements for use (buffer, park space).

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12 Commissioner Obray left the meeting at 6:52 p.m.

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14 Commissioner Albrect discussed requiring certain types of tree. Mr. Nelson said the
15 parks department was planning to update Nibley City's Tree Care Policy plan during the
16 winter season. Nibley City's arborist headed Nibley City's Parks department. Mr. Nelson
17 said the Tree Care Plan would be the best place to address this.

18 19 **Dark Sky Ordinance**

20 Mr. Nelson reported that he'd talked with a few people about the dark sky ordinance
21 and the felt the ordinance needed to be reviewed by Nibley's building inspector and an
22 architect. Mr. Nelson showed an example of dark sky lighting on a pickleball court. Mr.
23 Nelson said he'd like to get a little more technical feedback about some of the
24 standards.

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26 Commissioner Albrect was concerned with how enforceable the ordinance was. Even if
27 the requirements were good and the City wanted them, they would fail unless they had
28 support. She questioned how they would educate the people. Mr. Nelson said the City
29 could designate areas where dark sky lighting was required to be in place (a 500 foot
30 buffer around Firefly Park), and designate a grandfathering period and have a penalty if
31 lights weren't changed within the grandfathering period. He said the easiest way to
32 enforce the ordinance was with new development. Commissioner Swenson asked if the
33 ordinance would apply to all new constructions. Mr. Nelson said it would and clarified
34 that the development around Firefly park would be required to replace lighting within
35 five years with some support from the City and other preexisting development would
36 have to comply as their lighting was changed. Commissioner Swenson said he didn't feel
37 many would swap out their lights voluntarily.

38 39 **Future of Commercial and Neighborhood Commercial Zoning within Nibley City**

40 Mr. Nelson said he'd like to talk about potentially rezoning more property as
41 commercial, neighborhood commercial standards, and what the City wanted to do with
42 Town Center commercial code.

1 Regarding future Commercial zoning, Mr. Nelson questioned if the Planning Commission
2 would consider creating a town center type of commercial. Mr. Nelson discussed land
3 that could potentially be zoned Commercial. Commissioner Swenson, Commissioner
4 Albrect and Commissioner Mansell thought they'd discussed having 3200 on both sides
5 of the highway, all the way north as commercial. Mr. Nelson said this would increase
6 property values so the individuals could face higher taxes.

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8 Commissioner Obray returned at 7:23 p.m.

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10 Mr. Nelson said he'd bring a proposed zoning map to the next meeting showing where
11 potential commercial could be zoned.

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13 Mr. Nelson said there were requirements that all neighborhood commercial be 2-5
14 acres. If a person were to do a dentist office or something similar they didn't need 2
15 acres. Mr. Nelson said he'd like to eliminate this requirement. This and cleaning up a
16 couple other requirement might make neighborhood commercial more viable. Mr.
17 Nelson said there were commercial standards in Nibley City code that were written and
18 designed for Town Center development, however, it wasn't great for all commercial
19 development. Mr. Nelson said the Nibley City Commercial Design standards were passed
20 in 2010 or 2011 and felt they could be edited to apply to different areas of town.
21 Commissioner Logan thought this made sense. Commissioner Swenson wasn't sure they
22 should loosen any standards to attract commercial. Mr. Nelson was concerned their
23 standards could drive commercial development away or prohibit it. Mr. Nelson
24 suggested the standards could specify uses that would allow some sort of flexibility. Mr.
25 Nelson felt it would be appropriate to go thorough the standards and ensure their
26 requirement were what the City really wanted. Commissioner Swenson said they should
27 have a medium to high standard for whatever commercial wanted to come in.
28 Commissioner Obray felt Nibley's commercial viability was decades down the road. The
29 market demand would justify what was going to be built. He said they should have basic
30 commercial building codes.

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32 Commissioner Mansell suggested an assignment for the next meeting was for the
33 Planning Commission to go through Nibley's commercial standards and see if there were
34 things they thought ought to be addressed that they would workshop at the next
35 meeting. Commissioner Swenson requested there be examples of other cities similar to
36 Nibley. Commissioner Albrect said the attractiveness of the development would make a
37 difference in term of the public shopping and staying there. Mr. Nelson said he would go
38 through the Commercial Design Standards and highlight things that were of concern and
39 needed to be changes to present at the next Planning Commission meeting.

40 41 **Staff Report and Action Items**

42 Mr. Nelson reviewed the Planning Commission calendar for the remainder of 2019. He
43 said the Nibley City Christmas Party had been scheduled for the same night as the
44 Thursday, December 19 Planning Commission meeting. He requested the Planning

1 Commission cancel the meeting. The Planning Commission agreed to cancel the
2 meeting.

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4 Mr. Nelson left a card at each Planning Commission seat that directed them to an
5 economic survey being conducted to try to determine which types of industries could be
6 built in Nibley and would be viable, and the types of industry Nibley residents wanted to
7 see.

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9 Mr. Nelson discussed creating a texting ground within the Planning Commission using an
10 app like GroupMe. The Planning Commission agreed that this was a brilliant idea.

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12 Commissioner Obray asked about a workshop to discuss changes in EMT services and
13 potentially creating an impact fee to start a reserve fund if Nibley would need to
14 eventually build new emergency facilities or fire trucks. Mr. Nelson gave the Planning
15 Commission background for this discussion. Mr. Nelson said they would need an impact
16 fee analysis. Mr. Nelson said he would look into this after coordinating with the City
17 Manager and the Mayor.

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19 There was general consent to adjourn at 7:53 p.m.
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Attest: _____
Deputy City Recorder