

The Meeting of the Nibley Planning and Zoning Commission held at Nibley City Hall, 455 West 3200 South, Nibley, Utah on Thursday, January 2, 2020.

The following actions were made during the meeting:

Commissioner Swenson moved to recommend approval of the Proposed Ordinance for Outdoor Lighting Standards. Commissioner Logan seconded the motion. The motion passed unanimously 4-0; with Commissioner Swenson, Commissioner Logan, Commissioner Mansell, and Commissioner Albrect all in favor.

Commissioner Mansell moved to recommend approval of a Residential Planned Unit Overlay Zone Application for the proposed Firefly Estates Development, located approximately at 2200 South and 1200 West with the following conditions; that all the lots adjacent to existing neighborhoods be 80% of the minimum of the R-2A zone in square footage; 10th west is a one-way street with connection to meadow view lane; and including all other items in the 1-2-2020 staff report as listed by Mr. Nelson. Commissioner Swenson seconded the motion. The motion passed unanimously 4-0; with Commissioner Mansell, Commissioner Swenson, Commissioner Albrect, and Commissioner Logan all in favor.

Commissioner Mansell moved to recommend approval of a Preliminary Plat Subdivision Application for the proposed Firefly Estates Development, located approximately at 2200 South and 1200 West with the following conditions; that all the lots adjacent to existing neighborhoods be 80% of the minimum of the R-2A zone in square footage; 10th west is a one-way street with connection to meadow view lane; and including all other findings in the 1-2-2020 staff report as listed by Mr. Nelson. Commissioner Logan seconded the motion. The motion passed unanimously 4-0; with Commissioner Mansell, Commissioner Logan, Commissioner Swenson, and Commissioner Albrect all in favor.

Commissioner Logan moved to postpone the Workshop: Neighborhood Commercial Zoning on the evening's agenda. Commissioner Mansell seconded the motion. The motion passed 3-0; with Commissioner Logan, Commissioner Mansell, and Commissioner Albrect all in favor.

Planning and Zoning Commission Chair Garrett Mansell called the Thursday, January 2, 2020 Planning and Zoning Commission meeting to order at 6:02 p.m. Those in attendance included Commissioner Bret Swenson, Commissioner Garrett Mansell and Commissioner Matt Logan. Commissioner Carol Albrect was participating in the meeting via teleconference. Mr. Stephen Nelson, Nibley City Planner, was also present.

Approval of 12-05-19 meeting minutes and the evening's agenda

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

General consent was given for the evening's agenda.

A Public Hearing to hear comment on the recommendation of the Proposed Ordinance for Outdoor Lighting Standards

Mr. Nelson gave a presentation on this agenda item. He said Nibley City was currently looking into doing outdoor lighting standards. He discussed some of the reasons why a dark sky was a benefit; to help protect the health of Nibley City Residents, to protect wildlife, particularly the fireflies located in firefly park and other parts of the Community, and to help protect the rural feeling within Nibley City., and to preserve the rural character of Nibley City.

Mr. Nelson reviewed each section of the proposed ordinance (proposed Nibley City Code 19.24.240).

Commissioner Mansell gave direction to the public present and opened the public hearing at 6:20 p.m.

Jason Lynch of 923 West 2450 South was concerned that he was right next to Firefly Park and had lights right next to the unapproved list and for security reasons and safety reasons he had bright flood lights because of security issues he'd had in Logan. He had an issue with enforcement issues. He felt the homes surrounding firefly park would be enforced more strictly than any other homes in Nibley. He felt oncoming cars and the apartment buildings being constructed across the street from Firefly park were a bigger concern.

Micky Duke of 1012 West 2400 South said his concern was they were worried about a lighting ordinance that would directly conflict with the Nibley City transportation plan that had 1000 West as a connector. He said there would be streaming car lights, in both the morning and evening, flying past Firefly Park. He felt the street should remain stubbed off where it was currently stubbed. He said Nibley City was creating a huge conflict. Mr. Duke gave some of his urban planning credentials and didn't see the reasons Nibley City was doing what they were doing. He said Firefly Park already had no dogs, no lights, no anything and that the road was a huge internal conflict in Nibley's land use plan.

Mr. Courtney Adams of 1061 West 2350 South said his objection was public safety. He said it had been going on two years and there were no streetlights put in his subdivision. He described coming out of his house and not having light to leave in the early mornings. He agreed with Mr. Lynch that they would be picked on and be enforced more strictly.

Mr. Garrett Fronk of 890 West 2465 South Circle said all of the lights on his house were non-compliant and said it seemed unfair to force the additional cost on them.

Mr. Sherwood Herschi felt the same as Mr. Duke; that they were headed the wrong direction in the area. He said the road was a big point of conflict.

Mr. David Bair of 1060 West 2450 South emphasized that he liked Firefly Park and the fact that fireflies were in it. He'd heard rumors that the lighting ordinance was to prevent light pollution from the apartment buildings coming in. He said residents in the 500-foot radius could be seen as collateral damage. He asked if there were a biological plan that said this helped the fireflies; if lights on their homes were as damaging from lights from cars. Mr. Bair said he would have to look at his lighting fixtures closer but felt the lights in front of his home wouldn't cast the light very far out.

Kristine Fronk of 2465 South Parkview Circle said the lights from the bathrooms in the park were left on all night long and the doors were kept open. She said these were the brightest lights and this issue needed to be addressed.

Mr. Adams asked if the apartments on the south side of 2200 South were in Logan City and if the apartments would be brought into compliance.

Seeing no further public comment, Commissioner Mansell closed the public comment period at 6:37 p.m.

Discussion and Consideration of a recommendation of the Proposed Ordinance for Outdoor Lighting Standards

Mr. Nelson said staff and the City Council had discussed a grant that would reimburse residents within the 5-year change over period to fully reimburse residents for switching out the lights within the 500-yard area. Mr. Nelson clarified that the Planning Commission made a recommendation to the City Council on ordinances. Ordinances didn't become law unless the Nibley City Council voted it in favor. Mr. Nelson showed a transportation plan map of 1000 West. He described a fence or wall to block lighting from cars and said the City would have to take steps to mitigate lighting into the park. Mr. Nelson said Logan City was building approximately 300 apartment buildings north of Firefly Park. Logan City had already required that similar lighting standards be required for the apartment development. Logan City adopted the standards some time ago and there was a noticeable difference in the lighting in their new development. Mr. Nelson showed the location of Firefly Estates. He said their development hadn't been approved and their lighting fixtures would need to comply with the outdoor lighting standards that were being discussed. Mr. Nelson discussed the effects of light pollution on fireflies and the effects lighting had on the firefly mating patterns.

Commissioner Swenson asked if Firefly Park didn't exist, if the Outdoor Lighting ordinance would be discussed. Mr. Nelson felt the outdoor lighting was an ordinance the City would still consider. Outdoor light standard changes had been taking effect across the country and had been on Nibley's agenda for the past six years. He said the

fireflies had moved the discussion up. Mr. Nelson discussed the projected growth in Nibley and that future development would be required to comply with the Outdoor Lighting standards.

Commissioner Swenson asked about nonconforming uses. Mr. Nelson read from the ordinance; item 2. Nonconforming Uses.

“Nonconforming Uses: All existing outdoor luminaires that do not meet the requirements of this chapter and are not exempted by this chapter shall be considered a nonconforming use. The city will encourage property owners to voluntarily bring nonconforming luminaires into compliance with this chapter. Where appropriate, the city may also provide assistance and expertise to homeowners in bringing their outdoor luminaires into compliance with this chapter.”

Commissioner Swenson said the ordinance should be enforced fairly throughout the entire city and not just around Firefly Park. He said this should be the case for all ordinances. Commissioner Mansell debated that the incentive grant was discussed to mitigate the impact to residents around Firefly Park. Commissioner Swenson thought the grant money ought to be extended further out if it were important to the City.

Commissioner Swenson moved to recommend approval of the Proposed Ordinance for Outdoor Lighting Standards. Commissioner Logan seconded the motion. The motion passed unanimously 4-0; with Commissioner Swenson, Commissioner Logan, Commissioner Mansell, and Commissioner Albrect all in favor.

Discussion and Consideration of a recommendation on a Residential Planned Unit Overlay Zone Application for the proposed Firefly Estates Development, located approximately at 2200 South and 1200 West

Ethan Poppleton, representing the developer was present at the meeting. Mr. Poppleton said they had met with several City Council members over the recent holiday and had diligently worked with the City over making these things happen.

Mr. Nelson reviewed the list of findings from the more recent discussion of the R-PUD and how the applicant had complied with most of the findings. Mr. Nelson suggested if the Planning Commission recommended the application to the City Council that they include with the findings as listed in the 1-2-2020 agenda item report.

Commissioner Mansell discussed ideas he had about making 1000 West a one-way street to help mitigate the impact to the firefly and the impact to traffic. Commissioner Mansell was concerned with the traffic impacts for Nibley Elementary and Thomas Edison Charter schools. He was concerned with safety around the schools. He said they needed to balance the safety of Nibley residents with the right of the property owner to

develop the land. Mr. Nelson said he felt it would be appropriate for the Planning Commission to recommend that 10 West be a one-way street in their recommendation.

Commissioner Albrect said she had the same concerns she'd had last time. She was concerned with a mobile home park, apartments, and townhomes being in the same location. She said the people who came to the apartment would likely be mobile white people and upwardly mobile Latino people. She was concerned there wouldn't be the role models that needed to be present. She was afraid of isolating those groups and saw this as dangerous in 5-10 years.

After Commissioner Swenson requested it, Mr. Nelson listed the findings for the item listed in the 1-2-2020 Agenda Item Report:

1. *"Architectural standards have been provided in the form of pictures. The general layout appears to comply with the code with a few small exceptions. Development agreement should require that buildings are built to the standards within the code.*
2. *At least 50% of the units require a two-car garage*
3. *A Pedestrian Circulation Map has been submitted. Shows sidewalks, sidewalk to each front door, crosswalks, trails, and a path to amenities. 1200 W needs a trail on the west side (see cross-section in Transportation Master Plan). Nibley City's Trail Master Plan shows an 8 foot that should go East and West on the parcel which has been provided. Trail out of the end of 1050 W only needs to be 8' wide, then need a 10' easement from the centerline of the canal pipe. See NCC 19.32.080 (B)(4) and NCC 21.12.060 (A)(B)and (F)*
4. *Each unit needs two parking spaces, needs at least 45 guest parking spaces. The proposed plat complies*
5. *Open Space Amenities: Need one playground and one swing set. Need details on where they will be located.6.The applicant needs to confirm the size of the proposed park space and that it meets a minimum of 2.5 acres.7.A Preliminary Maintenance Plan has been submitted. See 19.32.050 (B)"*

Commissioner Mansell moved to recommend approval of a Residential Planned Unit Overlay Zone Application for the proposed Firefly Estates Development, located approximately at 2200 South and 1200 West with the following conditions; that all the lots adjacent to existing neighborhoods be 80% of the minimum of the R-2A zone in square footage; 10th west is a one-way street with connection to meadow view lane; and including all other items in the 1-2-2020 staff report as listed by Mr. Nelson. Commissioner Swenson seconded the motion.

Commissioner Swenson asked for more detail on Commissioner Mansell's motion. Commissioner Mansell said there needed to be some gradual contrast to existing neighborhoods. Mr. Nelson clarified that 80% of 12,000 sq. ft. was 9,600 square feet.

Voting on the motion was as follows: Commissioner Swenson was in favor, Commissioner Logan was in favor, Commissioner Albrect was in favor, and Commissioner Mansell was in favor.

The motion passed unanimously 4-0; with Commissioner Mansell, Commissioner Swenson, Commissioner Albrect, and Commissioner Logan all in favor.

Discussion and Consideration of a recommendation on a Preliminary Plat Subdivision Application for the proposed Firefly Estates Development, located approximately at 2200 South and 1200 West

Mr. Nelson listed the additional findings for the preliminary plat:

1. *"Needs a legal description of the property*
2. *Phasing needs to be altered to provide for two access once the total number of lots is greater than 30.*
3. *Need building setback lines drawn on the plat*
4. *General lot size, setbacks and other zoning requirements comply with R-PUD standards as listed in NCC 21."*

Mr. Nelson said the recommendation from the Planning Commission should include the findings be completed.

Commissioner Mansell moved to recommend approval of a Preliminary Plat Subdivision Application for the proposed Firefly Estates Development, located approximately at 2200 South and 1200 West with the following conditions; that all the lots adjacent to existing neighborhoods be 80% of the minimum of the R-2A zone in square footage; 10th west is a one-way street with connection to meadow view lane; and including all other findings in the 1-2-2020 staff report as listed by Mr. Nelson. Commissioner Logan seconded the motion.

Voting on the motion was as follows: Commissioner Mansell was in favor, Commissioner Logan was in favor, Commissioner Albrect was in favor and Commissioner Swenson was in favor.

The motion passed unanimously 4-0; with Commissioner Mansell, Commissioner Logan, Commissioner Swenson, and Commissioner Albrect all in favor.

Workshop: Water Master Plan

Mr. Maughan gave a present utilizing an electronic presentation entitled Water Master Plan Update (included in the written meeting minutes).

Commissioner Swenson left the meeting at 7:45 p.m.

Mr. Maughan's presentation included the following topics: The choice of the firm Jones & Demille Engineering as the lead consultant partnering with Zion's Public Finance Inc.; budget of \$60,000 with \$30,00 coming from a grant from the Community Impact Board, Key Take Aways, Water Model, Capital Improvement Plan, proposed water rates, and Conservation plan.

Commissioner Mansell left at 8:04 p.m. He returned at 8:05 p.m.

Workshop: Neighborhood Commercial Zoning

Commissioner Mansell said they would postpone the item until there were more Commissioners present for the discussion.

Commissioner Logan moved to postpone the Workshop: Neighborhood Commercial Zoning on the evening's agenda. Commissioner Mansell seconded the motion. The motion passed 3-0; with Commissioner Logan, Commissioner Mansell, and Commissioner Albrect all in favor.

Staff Report and Action Items

a. Next meeting

- i. **Schedule for 2020**—Commissioner Logan and Commissioner Mansell debated moving the meeting time to 6:30 p.m.
- ii. **2020 goal workshop**
- iii. **Wesley Nelson Farms, Inc Annexation Petition and Zoning** —Mr. Nelson said there would be three public hearings at the next Planning Commission meeting; for the Water Master Plan, the Wesley Nelson Farm, and the Visionary Homes R-PUD application for 95-acres north of 3200 South and east of City Hall.

There was general consent to adjourn at 8:30 p.m.

Attest: _____
Deputy City Recorder