

A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South, Nibley, Utah, on Thursday, January 23, 2020.

The following actions were made during the meeting:

Councilmember Larsen moved to table discussion and consideration of an Appointment to the Nibley City Planning Commission and Appointments of the 2020 Planning Commission Chair and Vice-Chair. Councilmember Sweeten seconded the motion. The motion passed unanimously 5-0; with Councilmember Larsen, Councilmember Sweeten, Councilmember Beus, Councilmember Bernhardt, and Councilmember Laursen all in favor

Councilmember Beus moved to approve Ordinance 20-01—An Ordinance Requiring All Nibley City Utilities to be in the Property Owners Name. Councilmember Bernhardt seconded the motion. The motion passed unanimously 5-0; with Councilmember Beus, Councilmember Bernhardt, Councilmember Larsen, Councilmember Laursen, and Councilmember Sweeten all in favor

OFFICIAL MINUTES OF THE MEETING
Deputy City Recorder Cheryl Bodily took minutes

Opening Ceremonies

Councilmember Laursen discussed a presentation give by General Mattis that he'd attended at Utah State University and shared the General's message of being a good example

Councilmember Laursen led the meeting in the Pledge of Allegiance.

Call to Order and Roll Call

Mayor Shaun Dustin called the Thursday, January 23, 2020, Nibley City Council meeting to order at 6:30 p.m. Those in attendance included Mayor Shaun Dustin, Councilmember Kathryn Beus, Councilmember Thomas Bernhardt, Councilmember Norman Larsen, Councilmember Nathan Laursen, and Councilmember Kay Sweeten. Mr. Stephen Nelson, Nibley City Planner, Nibley City Public Works Director, Justin Maughan, and Nibley City Treasurer, Michelle Jensen was also in attendance.

Approval of agenda; and approval of the January 9, 2020 meeting minutes

Mayor Dustin discussed the ordering of the agenda and asked the City Council's advise on reordering the agenda.

Councilmember Bernhardt moved to approve the minutes from January 9, 2020 and the evening's agenda as outlined. Councilmember Laursen seconded the motion. The motion passed unanimously 5-0; with Councilmember Bernhardt, Councilmember

Laursen, Councilmember Beus, Councilmember Larsen and Councilmember Sweeten all in favor.

Public Comment Period

Mayor Dustin gave the public direction and opened the Public Comment Period at 6:34 p.m. Mayor Dustin read the public comment procedures to the public.

Mr. Guy Isaacson of 1416 West 3200 South asked why the City was taking 10 feet of his land away. In the past, he'd been told nobody wanted anything to do with the land and then Mayor Dustin approached him about buying the ground to which he'd said he wasn't interested. He needs the land for his horses and not a sidewalk. He said his fence had been destroyed and his land taken. He said the surveyors had gone from the churches sidewalk to his land. He didn't want a sidewalk or people or dogs wandering through his place. He thought they should have a pedestrian cross with lights. He said he'd talked to people and flags and paint had been put on his land. They did whatever they wanted and put in a culvert . The ditch was going to flood. His discussed an alternate placement of the culvert. He discussed his parking for trailers being taken away. He didn't care for Justin Maughan and said he snuck in and done what he wanted and trespassed where he shouldn't be. He said he'd discussed this with Justin and Mayor Dustin. He didn't need a sidewalk and asked why it was such a big deal all of a sudden. Mr. Isaacson discussed trees along 1500. Mr. Isaacson said he'd talked to Hyrum City who'd directed him to come to Nibley City and then to the district court. He didn't want a sidewalk and he wanted his privacy. He asked that they put up pedestrian lights and slow traffic down. He didn't feel Justin Maughan and Mayor Dustin had been fair to him. He didn't want people walking in front of his driveway and taking down his trees. Mayor Dustin reminded Mr. Isaacson that they couldn't come to an agreement at that time. Mayor Dustin said the city's position was that all the work had been done in the deeded public right-of-way. Mayor Dustin felt the appropriate remedy at this point was the district court. Mr. Isaacson disagreed with this and asked why Nibley City took people's ground.

Seeing no further public comments, Mayor Dustin closed the public hearing at 6:47 p.m.

Planning Commission Report

Mr. Nelson gave this presentation.

Mr. Nelson said the Planning Commission held a couple public hearings at their last meeting; the annexation of the Wesley Nelson Farms property, which the Planning Commission gave a positive recommendation to the City Council for zoning and the annexation. He'd received no official protests over the proposed annexation. Mr. Nelson said the Planning Commission had also heard comments on the Ropelatto property and had given a positive recommendation.

Discussion and Consideration of an Appointment to the Nibley City Planning Commission and Appointments of the 2020 Planning Commission Chair and Vice-Chair
Mayor Dustin said he wasn't prepared for this appointment and requested the City Council table the appointment to the next meeting.

Councilmember Larsen moved to table discussion and consideration of an Appointment to the Nibley City Planning Commission and Appointments of the 2020 Planning Commission Chair and Vice-Chair. Councilmember Sweeten seconded the motion. The motion passed unanimously 5-0; with Councilmember Larsen, Councilmember Sweeten, Councilmember Beus, Councilmember Bernhardt, and Councilmember Laursen all in favor.

Mayor Dustin said the agenda item would come back in two weeks.

Discussion and Consideration of Ordinance 20-01—An Ordinance Requiring All Nibley City Utilities to be in the Property Owners Name (Second Reading)

Michelle Jensen led this discussion. She updated the Council regarding information on utilities that were not in the property owners name; Nibley City had 1956 parcels with 221 in someone else's name and the property taxes got mailed to another address so it was assumed that they were tenant/landlord relationships. Ms. Jensen summarized the reasons staff was requesting utilities be put in landlord names. She said the landlord had the ability to seek out references and other options whereas the City could not do this when someone came to sign up for utilities.

Councilmember Beus moved to approve Ordinance 20-01—An Ordinance Requiring All Nibley City Utilities to be in the Property Owners Name. Councilmember Bernhardt seconded the motion.

Councilmember Beus thanked Ms. Jensen for the research that had been done and still thought it would be a pain for staff. Ms. Jensen said from the front end it would be difficult but it would definitely simplify things in the long run.

Councilmember Laursen questioned current situations being grandfathered and wondered if it would be important to include in the ordinance or if were just City policy they trusted would be handled? Ms. Jensen said they didn't want to "stir the pot" if they didn't have to and people would be grandfathered in unless/until there was a need to invoke the ordinance. Nibley City didn't go searching for problems. The City Council opted to learn from the ordinance.

Voting on the motion was as follow: Councilmember Bernhardt was in favor, Councilmember Larsen was in favor, Councilmember Beus was in favor, Councilmember Sweeten was in favor, and Councilmember Laursen was in favor.

The ordinance passed unanimously 5-0.

Presentation and Workshop: Ordinance 20-02—An Ordinance Updating Standards for Outdoor Lighting

Mr. Nelson gave this presentation.

Mr. Nelson said the ordinance established more detailed outdoor lighting standards that would be applied to both commercial and residential light and ideally would cut down on lighting pollution. Mr. Nelson reviewed the five goals the Planning Commission had used in creating the ordinance.

1. *To help protect the health of Nibley City Residents*
2. *To protect wildlife, particularly the fireflies located in firefly park and other parts of the community.*
3. *To help protect the rural feeling within Nibley City.*
4. *To set a precedent for other communities in Cache County.*
5. *To help light fixtures become more efficient*

Mr. Nelson said the ordinance required that as outdoor lights were installed, the light would be directed toward the ground. There would be no light shining beyond the horizontal plane of the light fixture. Mr. Nelson reviewed the sections and requirements of the proposed code.

Councilmember Larsen asked if they knew an approximate cost for each house to be brought into compliance. Mr. Nelson discussed that this depended on the lighting. He said a lot of the lights were already in compliance. He said staff didn't have a device to detect lumens yet.

Councilmember Bernhardt said he was concerned with allocating money in the budget to take public funds for improving private lands. He said the lighting was a good thing but was concerned it felt like government overreach at times and didn't feel the city would go out and enforce the ordinance. The ordinance was a little heavy handed. Mayor Dustin said he didn't see any issue with enforcing the ordinance in new development and he didn't see an issue with asking people to redirect their current lighting. Councilmember Bernhardt said he was supportive of what they were trying to do with out the enforcement and more of an education.

Councilmember Laursen asked if thirty days was enough time to change if someone was bound and questioned where 500 ft. came from in section F.2.a? Mr. Nelson said 500 ft. was somewhat of a generalization but was the typical reach that outdoor lighting could have. Councilmember Laursen asked what kind of equipment City staff would need to enforce the ordinance? Mr. Nelson said he'd done a cost estimate on the meter that was approximately \$50. Mayor Dustin asked Mr. Nelson how he envisioned enforcement would be handled. Mr. Nelson said the City typically went out and did ordinance enforcement three times per year. They could enforce on a complaint basis or could schedule a time to go out and review lighting. Councilmember Larsen questioned

the types of Christmas lights that were projected on to houses. Councilmember Beus suggested public outreach and was concerned with the cost. She didn't know that they necessarily needed an ordinance. Why have the ordinance if they weren't going to enforce it? Mayor Dustin reminded the City Council of the potentially punitive buffer zone around Firefly Park and alternately the construction enforcement moving forward. Councilmember Sweeten questioned if fireflies were found in other parts of Nibley City and if the ordinance would then apply in that area. Mr. Nelson said the ordinance only applied to the park.

A public hearing to receive comments regarding Ordinance 20-02—An Ordinance Updating Standards for Outdoor Lighting

Mayor Dustin gave direction to the public present and opened the public hearing at 7:33 p.m.

Jason Lynch of 923 West and 2450 South said his backyard property bordered Firefly Park. He said he'd had a violent crime in his backyard due to low lighting; it was not in Nibley. He felt his residence would be a targeted zone and there would be more enforcement and ticketing on his property. He liked having his property lit for a number of reasons. Mr. Lynch was concerned if letters were sent out to everyone in Nibley. He said after the public hearing at Planning Commission the residents hadn't felt like their voices had been heard. He discussed car lights on 10th would flood the area with light and asked how that would be taken care of.

Sherwood Herschi of 1013 West 2400 South said he was in the white (buffer) zone. He asked if the City Council had received the comments from Micky Duke (The City Council had been provided with these comments. They were included in the printed meeting minutes)? Mr. Herschi said the City had held his money in reserve for street lighting until they could figure out what they were going to do, which he said was wisdom. He said there was a conflict in the City because of the development that would be going on in the area that would dump cars onto 10th west. This seemed contradictory. If the lighting issue were valid then the road shouldn't go through. He asked how the issue was going to be addressed?

Jill Dickey of 985 West 2450 South questioned how the ordinance would improve the health of citizens and fireflies? If development in other cities were not doing these lighting measures she asked if there was a point to them do it. She said she was willing to change her lighting if the evidence were compelling enough. Ms. Dickey was concerned with wording in the ordinance that said indoor lighting that also shined out would not be complaint and asked how this would be patrolled.

Courtney Adams of 1061 West 2350 South asked if it were a City ordinance, why hadn't the entire City been notified. He also felt the homes in the buffer zone would be the ones that were picked on and watched more heavily. He had put up lighting that was not in compliance because no streetlights had been installed.

Kent Smith of 2316 South 1200 West pointed out some inconsistencies in the ordinance. He was concerned with crime and asked that language for variance be considered within the ordinance with specific inspection. Mr. Smith asked the City Council to consider an earth berm adjacent to Firefly Park at the curved extension of 10th West. Mr. Smith said he had five vertical luminaire lighting that he'd be happy to change out. He asked that there be variance for inconsistencies in lighting that were mounted very high or were soffit lighting or lighting the involved difficulty in implementation.

Jason Lynch said he'd added up that he had 6 fixtures on his home that were not compliant and he'd estimated it would cost approximately \$600 to replace those fixtures.

Seeing no further public comment, Mayor Dustin closed the public hearing at 7:46 p.m.

Mr. Nelson directed the City Council and public to www.darksky.org, a website which outlined the health benefits of dark sky to humans, insects, and animal populations. Mr. Nelson clarified the indoor lighting that trespassed on to another property would fall under the ordinance and would most likely be enforced on a complaint basis. Mr. Nelson said Nibley City and state law had certain notification requirements for changes to Nibley City ordinance. He summarized where the meeting agenda had been publicized. He said the City wasn't legally obligated to send out letters for the ordinance change but had decided it would be better to send letters to the individuals most affected by the ordinance. Mayor Dustin clarified the revision suggestions that Mr. Smith had suggested and said he would take his suggestions under advisement. Councilmember Bernhardt said he'd talked with the developer of the housing in Logan that was being built next to Firefly Park and felt the developer was very cognizant to the situation and would be willing to take the ordinance into consideration. Mr. Nelson addressed lighting on 10th West and how the City was anticipating to minimizing the light impact.

Presentation and Workshop: Ordinance 20-03—An Impact Fee Facilities Plan and Impact Fee Enactment for Wastewater

Teresa Nichole with Lewis, Young, Roberson & Burningham, Inc. was present at the meeting and gave a presentation. She utilized an electronic presentation entitled *2020 Wastewater Treatment Impact Fees; Logan Environmental Department* (a printed copy of the presentation is included in the printed meeting minutes). Her presentation included the following topics: Introduction to Impact Fees, Impact Fee Process, Crafting a Working IFFP/IFA, Service Area and Demand, Capital Costs, and Impact Fee.

Councilmember Bernhardt said his concern was if they decided to push their poop in some other direction, would they be able to recover the impact fees if the residents weren't able to derive any benefit from the impact. He asked if these discussions had taken place. Mayor Dustin said the fundamental question was "Why did they need to

pay for capacity the City didn't even own?" There was no ownership of the improvements. Mayor Dustin said the sewer rate committee had passed the impact fee and Nibley was actively working on another plan to go somewhere else but if they wanted to continue working with Logan they were going to have to pass the impact fee. He said they could fight it in court and challenge whether Logan could charge an impact fee for something they'd been told they weren't buying in to. Councilmember Bernhardt said he'd like to see if Logan was open to Nibley holding the money for some period of time; a six-month or 1 year moratorium. Mayor Dustin felt Nibley's choices were to either pass the impact fee or go to court. Councilmember Bernhardt asked Mayor Dustin to discuss the moratorium idea with Logan City.

Councilmember Beus asked when the impact fee would be implemented. Mr. Nelson said it would be implemented 90 days after the ordinance was approved by all entities. Logan City was shooting for April 30.

Nibley City Attorney, Rob Patterson was present at the meeting. He said he also represented Hyde Park. The impact fee said it was being assessed for a public building and easily met the definition of what an impact fee could be assessed for. Mayor Dustin said he didn't feel like Nibley City had a choice but to pass the ordinance.

A public hearing to receive comments regarding Ordinance 20-03—An Impact Fee Facilities Plan and Impact Fee Enactment for Wastewater

Mayor Dustin opened the public hearing at 8:25 p.m.

Seeing no comments, Mayor Dustin closed the public hearing at 8:25 p.m.

General consent was given for a five-minute recess at 8:26 p.m.

The meeting resumed at 8:35 p.m.

Presentation and Workshop: Preliminary Subdivision Plat for Firefly Estates, located at approximately 2200 South and 1200 West

Mr. Nelson gave this presentation. Mr. Nelson described the approximate location of the property being proposed for development. The parcel was included on the R-PUD map area. Mr. Nelson said there were two proposed plats included in the meeting packet with option B including the conditions recommended by the Planning Commission. Mr. Nelson described that the property was 20.11 acres with 15.5 net developable acres, which was developable acres minus roadways. Mr. Nelson discussed parking requirements for each unit and said the proposal was over the guest parking spaces as required by code. Mr. Nelson showed the Nibley's Transportation Master Plan and showed how the plat complied with the plan. Mr. Nelson reviewed the Nibley City Planning Commission's conditions that were included in their recommendation:

1. *that all the lots adjacent to existing neighborhoods be 80% of the minimum of the R-2A zone in square footage;*
2. *10th west is a one-way street with connection to meadow view lane;*
3. *and including all other items in the 1-2-2020 staff report as listed by Mr. Nelson.*

Mr. Nelson listed his concerns with the proposed plat:

1. *Staff will need more detailed construction drawings for Meadow Lane and the traffic calming features before final approval of the subdivision*
2. *General lot size, setbacks and other zoning requirements comply with R-PUD standards as listed in NCC 21.*

Mayor Dustin, Mr. Maughan and Mr. Nelson discussed historic flooding in the northwest corner of the proposed development. Mr. Nelson described that he felt the applicant had addressed the flooding potential. Mayor Dustin asked the proponent what the development gave the City that the City wouldn't have gotten in a standard subdivision. He wanted to know what he could take to Nibley constituents that would make them want to live next to the development. Mayor Dustin said he needed a reason why they wanted to grant the R-PUD zoning. Councilmember Bernhardt agreed with Mayor Dustin. He didn't think there was anything special with the townhomes and was intrigued to understand what was special about the development. Councilmember Laursen didn't know if the developer had indicated where homeowner office space would be located. Mr. Nelson said the developer was opting for an HOA and opted for off-site HOA management. He said this had not been indicated on the map. The City Council debated hearing the developer's pitch. Mr. Nelson showed the phasing of density coming into Nibley City. He pointed out the proximity of the development to the apartment complex and commercial development in adjacent Logan City boundaries.

Christopher Huffman, representing the developer said they had been with the city almost three years working on the development. He believed there was a reason the area was included on the R-PUD map and genuinely believed the development could be an asset to the City. Mr. Huffman brought up affordable housing, tax base, and the need for housing in Cache Valley. He felt the development could be an asset to the City because of the housing transition, the development of Meadow Lane road, and amenities.

Councilmember Bernhardt said there was no parking at the open space to accommodate use by the City.

A public hearing to receive comments regarding a Preliminary Subdivision Plat for Firefly Estates, located at approximately 2200 South and 1200 West

Councilmember Bernhardt moved to suspend the agenda to address the remainder of the agenda. Councilmember Larsen seconded the motion. The motion passed

unanimously 5-0; with Councilmember Bernhardt, Councilmember Larsen, Councilmember Beus, Councilmember Laursen, and Councilmember Sweeten all in favor.

Mayor Dustin opened the public hearing at 9:34 p.m.

Ethan Poppleton, one of the developers of the property, said the Planning Commission had a lot of discussion about open space and had decided they wanted to have control of what would come in to the park considering the development that was coming in adjacent from Logan. He questioned what the City Council wanted the HOA to control. He said they were open to the amenities. He said they had been morphing to what Nibley City wanted the best that they could over the past three years.

Kent Smith of 2316 South 1200 West discussed HOA versus City governed open space and pointed to code that said all open space must be maintained which pretty much pointed to HOA and that the HOA needed to have onsite facilities. Mr. Smith thought there would be citizen interest in a splash pad or a senior community with Pickleball courts. He described the positives of including a senior community in the property. Mr. Smith summarized the following comments that were supplied to the City Council prior to the meeting:

Credit where credit is due:

Developer has been good to meet with citizens and hear concerns.

Storm ponds closer to lowest corner of property (Northwest corner), but still not ideal.

General Issues with R-PUD:

It is illogical that an R-PUD is even being considered for this land. A request to rezone from agricultural to R-2A was previously denied because, among other reasons, the increased density and smaller lot size of R-2A was not appropriate, being immediately adjacent to large-lot single family homes. Ultimately a rezone to R-2 was granted with its associated ½ acre minimum lot size, causing nearby residents to “stand down” because a fair balance of property owner rights/current residents’ right to support no legislative change (which a rezone is)/city government adjusting laws to suit one entity despite impact on other residents. If it did not make sense previously to even allow the smaller single family lots of R-2A, how does it make any sense to consider even smaller lots plus multifamily housing (townhomes)? The P&Z recommendation of 80% of R-2A minimum lot size was a nice gesture, but does not reflect previous legislation. The property is located in the extreme Northwest corner of Nibley, geographically increasing the difficulty for an included amenity to be able to benefit the citizens of Nibley, as code dictates it should - at least not for many citizens outside the immediate area.

The property is located very close to a massive apartment complex already under construction in Logan, immediately to the North of the property in question. Any amenity will likely create excessive demand from this apartment complex, especially when compared to demand created by the rest of Nibley, most of which is not very near the property. These conditions will most likely result in a long-term accessibility and maintenance cost issue for Nibley citizens, where more of the use and wear results from Logan citizens and all of the upkeep is to be shouldered by Nibley.

The small size of the property relative to the minimum size to be considered for an R-PUD make it a challenging property for which to approve an R-PUD. The code states that flexibility is one of the benefits of an R-PUD, but the small size, further compounded by being bisected by a future minor arterial and a light-sensitive area bordering on the East, mean that virtually the only degree of freedom is to present an extraordinary amenity for consideration. At least one previous council member indicated they were opposed to the inclusion of this land for future R-PUD consideration, except to open the door for the developer to “wow” them with an extraordinary amenity; a playground with swing set barely exceeds the minimum of one playground and certainly should not “wow” anyone. Code states an R-PUD should provide a “...variety of amenities...”. A playground with swing set does not constitute variety as there are already many in Nibley. Nibley’s only other townhomes are two blocks away. Many neighbors oppose additional townhomes. It is unfair that this area of Nibley should have to be designated to allow additional townhomes before any other area of Nibley shares in the responsibility of allowing for affordable housing.

Personal preference – townhomes are not conducive to tenure. A Harvard publication previously provided by the developer supports this, while dispelling other commonly held beliefs regarding increased crime, stability, lowered home values, etc. I personally count tenure of good neighbors as a factor in gauging my quality of life and it is one of the reasons I chose to live where I do, where the expectation was that large lots that families thoroughly improved as well as adjacent land that was, by law, designated as agricultural, would result in a neighborhood with some continuity.

Issues with preliminary plat:

Amenity is meager at best which does not support stated primary purpose of R-PUD. Amenity should be commensurate to bonus density in considering approval of overlay zone; a far superior amenity should be indicated on the plat before any serious consideration for an R-PUD overlay.

Office space for Owner’s Association not indicated on preliminary plat. It must eventually be planned and built. See citation below.

Canal not piped westward along southern property border. Canal company may object, two neighbors certainly do. (See note on Plats within Chase Griffiths' property boundary)

Light pollution of Firefly Park is guaranteed with eastbound curved street if any portion is allowed to have eastbound traffic. Eastern-most lots and townhomes are likely to have lights that are detrimental to the Fireflies. Does not support stated primary purpose of R-PUD; "permanently preservation of... other natural... resources...". Wouldn't it be ironic if "Firefly Estates" were to be allowed to bring about the end of its namesake?

High density does not seem to have school capacity in mind. My kids who attend the Charter School have remarked how there are not enough desks for all of the students in some of their classes. I have heard that Nibley Elementary is also at or above capacity.

The plat no doubt represents the developers' best plan to maximize their profit, as makes good business sense. However, Nibley City's representative government has no obligation to facilitate specific business plans, especially at the objection of the citizens, to whom they do have an obligation to represent. Furthermore, it should not be assumed that citizen preference in paying for roads or meeting future state requirements regarding affordable housing should come at the cost of compromising the character of Nibley so that developers can bear the financial burden. Neither should there be a sense that the future extension of Meadow Lane to 2200 S. needs to happen urgently. There is no set date for Nibley to complete that as part of any regional TIP agreements.

Code Citations:

19.32.010 Purpose And Intent

Intent: This section provides enabling authority and standards for the review and approval of applications for Residential Planned Unit Developments (R-PUD's). The intent of this ordinance is to provide an alternative to traditional subdivision design by encouraging innovation and offering some flexibility in the design of residential developments, which may incorporate the permanent preservation of amenities, agricultural lands and other valuable natural and cultural resources, as well as providing a variety of amenities for the enjoyment and benefit of the citizens of Nibley.

Purpose: An R-PUD is an overlay rezone. That is, applicants apply for the overlay to be applied, allowing them to receive the density outlined herein in exchange for public amenities, all while retaining the original zoning of the property. The Planning Commission and City Council may approve, deny or approve the R-PUD with conditions, and no applicant has any entitlement to the approval of an R-PUD.

B. Maintenance of Amenities

All R-PUDs must establish and maintain in perpetuity an Owners Association if there are open space and amenity under common ownership, or as otherwise required by federal, state or Nibley City law. The Developer shall be a member of said Owners Association while the subdivision is being developed. The Owners Association for Mix developments shall have office space for the Owners Association constructed a part of the development.

Mayor Dustin closed the public hearing at 9:44 p.m.

Mr. Nelson clarified that the code allowed public parks to be allowed as part of an R-PUD. Mr. Nelson said the Nibley City's Transportation plan also anticipated that Meadow Lane be completed within five years.

Presentation and Workshop: Ordinance 20-04—Residential Planned Unit Development Overlay Zone Application and Development Agreement for the Proposed Firefly Estates Development, located at approximately 2200 South and 1200 West

Mr. Nelson pointed out that an R-PUD development agreement was required to be approved before an R-PUD Overlay zone can take effect. He said the development agreement had been provided in the meeting box. Mr. Nelson said the R-PUD allowed the development agreement to set out different phasing standards and Nibley City could modify the phasing within the development agreement. He thought the developers were looking at a five year time frame. Mr. Nelson said he felt the City Council would see this in the future development agreement. Mr. Nelson said the development agreement had three main purposes:

- *That the development must be developed in a way that is substantially similar to the site plan and proposed amenity improvements and open space.*
- *That the preliminary site plan and all supporting documentation shall be attached to the development agreement.*
- *That any development of the proposed real property shall not exceed the number of units as listed on the preliminary plat.*

Mr. Nelson said the development agreement locked the developer in to what they'd proposed. Mr. Nelson said Nibley City code required the developer provide some architectural standards and the renderings that had been proposed didn't completely meet Nibley's code. The developer was aware of this and knew they would need to bring this into compliance. Mr. Nelson reviewed that for open space amenities, one playground and one swing set were required on 2.5 acres. Mr. Nelson said staff had also requested a complied maintenance plan, which would be attached to the development agreement as required.

A public hearing to receive comments regarding Ordinance 20-04—A Residential Planned Unit Development Overlay Zone Application and Development Agreement for the Proposed Firefly Estates Development, located at approximately 2200 South and 1200 West

Mayor Dustin opened the public hearing at 9:52 p.m.

Kent Smith suggested holding a public open house to get citizens suggestions for open space. He said the R- R-PUD seemed illogical considering the history of the parcel. He said the property was located in the extreme northwest corner of Nibley and wouldn't benefit the entirety of Nibley. It would benefit those directly in the development and those in the immediate area. Kent Smith felt Nibley City would be subsequently subsidizing an amenity for Logan. He noted the location of current townhomes in Nibley and felt it was unfair for this area of Nibley to shoulder the responsibility of more townhomes. Kent Smith summarized statistics surrounding tenure in townhomes. Mr. Smith felt the development would affect his quality of life.

Seeing no further comments, Mayor Dustin closed the public hearing at 9:58 p.m.

Councilmember Bernhardt said Mr. Nelson discussed the history of the property and what had contributed to the denial of a rezone on the property.

Council and Staff Reports

Mayor Dustin reported that Local Officials Day was on January 29th and encouraged the City Council members to attend.

Mayor Dustin said there was a vacancy on the Planning Commission and asked the City Council's help on filling the position. Mayor Dustin said they were losing Carol Albrecht who was the only woman on the Planning Commission and he would like to fill to position with another women. Ideally he wanted to have more diversity on the Planning Commission; like they had on the City Council.

Mr. Nelson reported on current ongoing recreation sign-ups.

Mr. Nelson introduced Nibley's Attorney, Robert Patterson. He said the City Council was welcome to contact him for legal council.

There was general consent to adjourn the meeting at 10:03 p.m.

Attest: _____
Deputy City Recorder