

A Meeting of the Nibley Planning Commission held at Nibley City Hall, 455 West 3200 South, Nibley, Utah on Thursday, May 7th, 2020.

The following actions were made during the meeting:

Planning Commission Vice Chair Karina Brown called the Thursday, May 7, 2020 Planning Commission meeting to order at 6:36 p.m. Those in attendance included Commissioner Bret Swenson, Commissioner Garrett Mansell via Zoom teleconference and Commissioner Matt Logan. Commissioner Tyler Obray was not present. Mr. Levi Roberts, Nibley City Planner, was also present.

Approval of 4-2-2020 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.

Workshop: Accessory Dwelling Units

Commissioner Karina Brown welcomed the new City Planner, Levi Roberts.

Mr. Roberts had reviewed the Accessory Dwelling Unit (ADU) Ordinance and incorporated recommended changes from the last Planning Commission meeting on April 02, 2020, which included the size no larger than 1,200 sq. ft. Per the recommendation of The Planning Commission from last meeting, Mr. Roberts reviewed the ADU standards in Providence City. He reported that in general, they were like this ADU ordinance with probably more language regarding building codes and safety standards, but he felt our code already covered those things. It was noted that Providence had a provision in their code regarding the primary owner living on the property. Commissioner Logan thought that was a really good idea if Nibley did not already have something like that. Mr. Roberts confirmed that he would double check and add it to the ordinance if it were not already in there.

Commissioner Swenson asked if Mr. Roberts had any prior experience with ADUs. Mr. Roberts confirmed that he worked for Five County Association of Governments and wrote a lot of moderate-income housing plans for communities. This included ADUs, particularly loosening the ordinances. He stated that most community requirements were too restrictive, and people usually did not follow them or the ADUs just did not happen. He suggested The Planning Commission should have sound requirements but to make sure it is not too restrictive when addressing the affordable housing needs. Commissioner Logan asked if Nibley's was too restrictive. Mr. Roberts thought it was in line with what others have done and cited some

examples. He stated that, there would be limited ADUs and that most people are not going to want to do them. He felt that with every requirement they add on, that might be one less person that would feasibly be able to do it.

Commissioner Mansell asked Commissioner Swenson's thoughts regarding the changes. Commissioner Swenson thought they were good and felt it would be a hot topic. He thought it would be a good idea to have six or ten pictures of examples of what ADUs look like in Cache Valley. He questioned the two additional off-street parking for Neighborhood Commercial and felt it needed to also apply to every zone for Residential as well. In his opinion, he felt the standard should be a minimum of two. The Planning Commission discussed the need for two parking spaces. There was general consent.

Commissioner Brown questioned the location of the two spots. During discussion, Commissioner Swenson thought parking needed to be in addition to the driveway, separate and stated he did not really like the ordinance and was ok with being restrictive. He did not think it was asking too much and stated it could be gravel or whatever, as long as there was designated parking other than the driveway. Commissioner Logan wanted to be able to give landowners freedom without infringing on the freedoms of the neighbors. He agreed the additional two parking spaces would solve that problem and would be a happy medium. The Planning Commission discussed personal experiences with ADU parking. Commissioner Mansell agreed that there should be separate parking from the driveway.

Commissioner Swenson stated that *Residential* needed to be added to the title in F2. The Commission discussed the wording of adding *Residential* to the ordinance.

Commissioner Swenson asked if the ordinance addressed multiple levels. Mr. Roberts confirmed that there is a provision to not exceed the height of the primary dwelling and no more than two stories.

The Planning Commission discussed defining setbacks in the code. Commissioner Logan thought it was a minimum of 10 ft. on the side and in the back. Mr. Roberts stated that in general he did not think there were any setbacks less than 10 ft. in Nibley. There was discussion regarding the same standards for accessory structures and ADUs in the code. Commissioner Swenson felt E7 was vague and asked if the setback requirement was 25 ft. or 10 ft. from the rear fence line. Mr. Roberts suggested including a code reference in the ordinance. Commissioner Logan confirmed Commissioner Swenson's intent to make the setback requirement more specific whether it was a reference or actual number. Mr. Roberts thought it should meet the setback requirements of the zone, be behind the primary dwelling unit and add a provision to meet or exceed the setback requirements of accessory structures. Commissioner Swenson was ok with it, if it stated 10 ft. or more away from the fence line. Mr. Roberts confirmed that the code already stated no less than 25 ft. in the rear. A meeting attendant suggested changing the code

in E7 to setbacks of the **primary** structure are maintained. Mr. Roberts displayed the ordinance for the setbacks of all the zones, which stated in 19.24.060 that ***all the Accessory Structures are required to comply with the location criteria and setback regulations as identified for Accessory Buildings.***

Workshop: Residential Planned Unit Development Code Update

Mr. Roberts had made changes to the code per the minutes from the last meeting. The discussed changes included the percentage of single-family homes and multi-family homes from 20/80 to 40/60. Commissioner Garrett reminded Mr. Roberts of the discussion of 50/50 as well and informed him that Mr. Nelson said he was going to run calculations with the open space to see if they were feasible ratios. He stated that he had not seen those calculations. Mr. Roberts informed The Commission that he needed to investigate it further but confirmed he made the 40/60 changes that was the general consent. Mr. Roberts said there were a couple of things that needed to be looked at regarding the open space requirements and the maximum overall density. Commissioner Swenson read the minutes from the last meeting and confirmed the discussion of 40/60 and informed Mr. Roberts that per the minutes, Mr. Nelson was going to get some opinions from developers on whether they thought it was workable.

Mr. Roberts confirmed that he had a conversation with a developer about the Residential Planned Unit Development (RPUD) ordinance and he was more concerned with the open space requirements than the ratio split. He informed The Commission that in the current ordinance, right of ways could be counted as open space. Commissioner Logan confirmed that The Commission also discussed right of ways and the general consent was disapproval. Mr. Roberts reported that the developer thought that by taking out the right of ways, this would effectively increase the open space requirements quite a bit and make it a lot harder for a development. Mr. Roberts recommended lowering the percentage for open space requirements, but with an explanation to retain the open space requirement. The Commission discussed open space requirements. Commissioner Swenson suggested that it might be best to try to get what they want in the ordinance and then see how it goes. They could modify it later if nobody applied for one of the developments because it was too restrictive. Commissioner Logan agreed and stated that the citizens voiced their opinion that development was happening too fast. He also confirmed that Commissioner Mansell felt the same and agreed with him. There was general consent.

Commissioner Brown asked about the 40/60 split decision. Mr. Roberts said that it will also change the maximum density and confirmed that he made that change. He stated he would do the calculations to see if something needed to be adjusted.

Commissioner Swenson asked if there was a plan to have a public hearing for ADUs and RPUDs. After discussion, there was general consent to wait for the calculations before having a public hearing.

Commissioner Mansell reminded Mr. Roberts that in the last meeting, The Commission discussed mixed use, lot sizes and requirements for some commercial. Mr. Roberts confirmed that there is a provision for commercial in the ordinance. Commissioner Mansell clarified his recommendation for mixed use and asked if commercial should be a part of the ordinance. Mr. Roberts stated that he did not have a ton of experience working with RPUDs but suggested maybe making it just RPUD and not specifically residential or commercial to allow for mixed use. He thought it made sense and said it probably depends on the location and the size of the RPUD. The Commission discussed having commercial in an RPUD. Commissioner Swenson suggested maybe requiring commercial if it was on a major artery road. Mr. Roberts suggested a provision that is more specific with percentages for different types of housing and lot sizes. Commissioner Mansell agreed. He suggested maybe reducing the open space requirement and swapping it out for some neighborhood commercial. Mr. Roberts said that made sense but stated he did not think there was currently a provision in the code to reduce the open space. Commissioner Mansell stated that the biggest thing for him with all the ideas that were being discussed was if it would pencil out from a financial standpoint. Per Mr. Roberts' suggestion, he was ok with looking at maybe providing a density bonus or reducing the open space requirement as an incentive for developers without requiring it if it did not pencil out. There was general consent. Commissioner Brown wondered how the percentages would work out. Commissioner Swenson asked to see the RPUD Application Map. Commissioner Logan asked Commissioner Mansell how the commercial would fit in with the 40/60. Commissioner Mansell did not know and needed to think about it. Commissioner Swenson thought there were only two RPUD locations that were plausible. He thought it was the developer's call to put in commercial if they felt it would work. Mr. Roberts informed The Commission of a piece of property along Highway 89 at 2600 S that had potential to be developed and incorporate a commercial component. Commissioner Brown's question was confirmed regarding tax revenue increases for the city if commercial was put in that area. Mr. Roberts told The Commission about his discussion with the City Manager on ways for Nibley to incentivize commercial because there are opportunities and very few places right now. Commissioner Swenson stated that he thought The Commission went through the exercise and identified commercial areas but did not pull the trigger because the tax rates would change. Mr. Roberts confirmed that if there is no demand at this point it messes with the tax rates and asked if it was on the future Land Use Map. Commissioner Logan recalled the discussion of letting the market dictate but they did not put any provision in the RPUD. He said finding the right balance with the incentive for the market would be very hard and not possible because you never know what the future brings. There was general consent to get Commissioner Obray's input and think about ways to incentivize.

Commissioner Swenson pointed out a typo in section A6 of the ordinance.

Commissioner Brown recalled discussion regarding amenities and getting input from Chad in the Recreation Department. Commissioner Logan commented on preventing any further “crappy grassy fields”. Mr. Roberts commented on St. George being a good precedent because they have great parks. Commissioner Logan thought St. George was able to do that because there was more density but felt it could not be done in Nibley. Mr. Roberts stated that he would consult with Chad regarding amenities.

Commissioner Brown wanted to continue the discussion at the next meeting with Commissioner Obray present. There was general consent for Mr. Roberts to get calculations and look at open space and commercial.

Workshop: Rural Preservation Subdivision

Mr. Roberts had not seen any changes discussed in the minutes at the last meeting. He noted the consent to change the name to *Open Space Subdivision*.

Commissioner Logan recalled previous discussion regarding eliminating islands of open space and stipulations. Commissioner Swenson thought it could work if it were planned right. The Commission discussed the definition for open space. Commissioner Garrett confirmed he did not want islands. He did not like pockets that lose the ability to be integrated. Commissioner Roberts confirmed the need for open space to be contiguous as much as possible.

Commissioner Garrett stated that The Commission wanted the open space to integrate with existing and future development. He does not want the piecemeal affect. Commissioner Swenson reminded Commissioner Mansell that this was an Open Space Ordinance and not a Nibley City Park Subdivision Ordinance. The private open space areas did not need to be contiguous. They just needed to be open. Commissioner Mansell recalled discussion regarding public and private open space. The Commission discussed open space requirements.

Commissioner Swenson stated that in this code it was almost easier to say what they do not want then what they want. Roberts stated that he understood the intent and would look into incorporating it. He discussed adding a statement about open space being contiguous and recommended a minimum of open space size. The Planning Commission discussed location and depth. There was general consent that there needs to be a minimum.

Commissioner Swenson thought it would be helpful for Mr. Roberts to make an item list of the changes in the code. Mr. Roberts said he could do that. He stated that most of his time has been meeting up with development proposals.

Staff Report and Action Items

Mr. Roberts discussed the status of Firefly Estates. They submitted a final plat but did not have everything required. Staff was not able to review all the items and the developer did not submit everything. The Staff expects it to be on the next agenda and the developer will be present. Mr. Roberts informed The Commission that the plat reflects what City Council approved and is

significantly different from their recommendation. Commissioner Swenson asked Mr. Roberts to outline those changes. Commissioner Logan asked if there was any news with the petition. Mr. Roberts discussed the referendum and the mailer that went to all Nibley residents. He stated there were 14 signatures filed. The Planning Commission discussed the concerns regarding the referendum. Commissioner Logan stated that the concern at the public hearing was traffic, population density, strain on the infrastructure and schools. Commissioner Mansell said the other unknown was the mass structure that Logan was building.

Roberts informed The Commission that staff was working with City Council on Commercial Zoning Standards.

M. Roberts announced that Nibley Meadows went to City Council in March and the Council had some concerns. The developers are working to make those changes so that City Council will approve, but they are not on the next agenda.

Mr. Roberts discussed the businesses of Mountain View Manufacturing and Standard. They want to expand their buildings. However, they are in a Commercial Zone and cannot expand unless the zone is changed to allow for manufacturing and warehousing. They are unable to expand under the existing zoning. Mr. Roberts asked The Commission if they should be directed to come in for a rezone application for one property at a time or consider rezoning the whole area. Mr. Roberts asked the Commission for feedback on next steps. The Commission discussed the Annexation of Nibley. Mr. Roberts would like to change the zoning to Industrial to allow the mentioned businesses to thrive. Commissioner Swanson wanted to see an updated map and see how City Council felt. He was curious to know what zone brought in the most tax revenue. Commissioner Mansell seconded the thought and there was general consent. Mr. Roberts felt that staff should have the businesses come in and apply for a rezone and the city can go from there. There was general consent.

Commissioner Swanson asked Mr. Roberts to tell them about himself. He was welcomed by The Commission.

There was general consent to adjourn at 8:48p.m.

Attest: _____
Office Specialist