

A Meeting of the Nibley Planning Commission held at Nibley City Hall, 455 West 3200 South, Nibley, Utah on Thursday, June 18, 2020.

The following actions were made during the meeting:

Commissioner Mansell moved to recommend approval of a conditional use permit to build a structure in a floodplain overlay district on parcel 03-041-0001. Applicant: Dustin Hanson with a condition of final approval of the Elevation Certificate from the City Floodplain Administrator. Commissioner Swenson seconded the motion. The motion passed unanimously 4-0; with Commissioner Obray, Commissioner Swenson, Commissioner Mansell and Commissioner Logan all in favor.

Commissioner Mansell moved to recommend approval for a building permit to build a home on parcel 03-041-0001. Applicant: Dustin Hansen with a condition that the Public Works Director approves the plans for utility connections and the applicant obtains a conditional access permit (CAP) letter from UDOT. Commissioner Logan seconded the motion. The motion passed unanimously 4-0; with Commissioner Obray, Commissioner Swenson, Commissioner Mansell and Commissioner Logan all in favor.

Commissioner Mansell moved to continue to the next meeting, the Discussion and Consideration of a recommendation of approval for Ridgeline Park Phases 1-3 Preliminary Plat, located at approximately 340 W 3200 S. (Applicant: Visionary Homes). Commissioner Logan seconded the motion. The motion passed unanimously 4-0; with Commissioner Obray, Commissioner Swenson, Commissioner Mansell and Commissioner Logan all in favor.

Commissioner Logan moved to recommend approval of Ordinance 20-13: Accessory Dwelling Unit Standards. Commissioner Mansell seconded the motion. The motion passed 3-1; with Commissioner Obray, Commissioner Mansell and Commissioner Logan in favor and Commissioner Swenson dissented.

Commissioner Logan moved to recommend approval of Ordinance 20-14: Update to Nibley City Code 21.10.020 Amending the Rural Preservation Subdivision Ordinance. Commissioner Mansell seconded the motion. The motion passed unanimously 4-0; with Commissioner Obray, Commissioner Mansell, Commissioner Logan and Commissioner Swenson all in favor.

Commissioner Obray moved to suspend the R-PUD Ordinance Update. Commissioner Logan seconded the motion. The motion passed unanimously 4-0; with Commissioner Obray, Commissioner Mansell, Commissioner Logan and Commissioner Swenson all in favor.

Planning Commission Chair Tyler Obray called the Thursday, June 18, 2020 Planning Commission meeting to order at 6:32 p.m. Those in attendance included Commissioner Bret Swenson, Commissioner Garrett Mansell, Commissioner Matt Logan and Commissioner Tyler Obray. Commissioner Karina Brown was absent. Mr. Levi Roberts, Nibley City Planner and Ms. Cheryl Bodily, Deputy Recorder was also present.

Approval of 5-21-2020 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.

Countywide Planner, Tayler Jensen was present. Cache County will be redoing their General Plan, Regional Collaboration Plan, and Urban and Rural Area Assessment and Cost of Service Plan. Mr. Tayler invited people to sign up for the advisory committee or leave their email address if they wanted to receive updates and public event notifications.

Discussion and Consideration of a conditional use permit to build a structure in a floodplain overlay district on parcel 03-041-0001. Applicant: Dustin Hanson

Applicant was not present at the meeting. Mr. Roberts reviewed the site plan and gave a prepared visual *Floodplain CUP: Parcel 03-041-0001* presentation (a printed version of this presentation is included in the printed meeting minutes). Mr. Roberts said the applicant provided a Stamped Floodplain Elevation Certificate stating that the home will be built at an elevated level above the floodplain. Commissioner Swenson questioned the road 250 E that would run through the property. The Planning Commission discussed the applicant's financial responsibility and access for that road. As a condition of approval, Commissioner Swenson wanted the road paved as stated in the code.

Commissioner Mansell moved to recommend approval of a conditional use permit to build a structure in a floodplain overlay district on parcel 03-041-0001. Applicant: Dustin Hanson with a condition of final approval of the Elevation Certificate from the City Floodplain Administrator. Commissioner Swenson seconded the motion. The motion passed unanimously 4-0; with Commissioner Obray, Commissioner Swenson, Commissioner Mansell and Commissioner Logan all in favor.

Discussion and Consideration of a proposed building permit to build a home on parcel 03-041-0001. Applicant: Dustin Hansen

Mr. Roberts referred to his prepared visual *Building Permit: Parcel 03-041-0001* presentation (a printed version of this presentation is included in the printed meeting minutes).

Commissioner Mansell moved to recommend approval for a building permit to build a home on parcel 03-041-0001. Applicant: Dustin Hansen with a condition that the Public Works Director approves the plans for utility connections and the applicant obtains a conditional access permit (CAP) letter from UDOT. Commissioner Logan seconded the motion. The motion passed unanimously 4-0; with Commissioner Obray, Commissioner Swenson, Commissioner Mansell and Commissioner Logan all in favor.

A Public Hearing for Ridgeline Park Phases 1-3 Preliminary Plat, located at approximately 340 W 3200 S. (Applicant: Visionary Homes)

Applicant Ben Steele, project manager was present. Mr. Roberts gave a prepared visual *Ridgeline Park Phases 1-3 Preliminary Plat* presentation (a printed version of this presentation is included in the printed meeting minutes). He stated that the rezone was approved by City Council on April 9th. The Master Planned Roadway (2965 S extension) would eventually connect to Highway 165. The HOA would maintain the on-street guest parking. Commissioner Logan questioned additional parking spaces for the residents. The applicant previously stated to Mr. Roberts that during phase 1, temporary access would be given to 2965 S because the full completion of the roadway would not occur until phase 2. Staff recommended to continue discussion of the item until applicant satisfied requirements. Commissioner Obray recited the rules for the public hearing. An emailed public comment is included in the printed meeting minutes. Commissioner Logan wanted confirmation that the public hearing was a place for comment and not discussion. Commissioner Obray confirmed that it was not meant to be a discussion and to give an opinion that was hopefully based on ordinance and not emotion.

Commissioner Obray opened the public comment period at 7:01 p.m.

Sheila Jessop of 328 W 3200 S said she already had problems getting in and out of her yard. Her biggest concern was all the houses coming out in front of her home.

Dennis Coplen of 2779 S 1070 W said he and his wife were not in favor of apartments in Nibley. He stated they both signed the Firefly petition. He said they moved to Nibley four and a half years ago and liked the small community and country feel. He said they were concerned about another school being built to accommodate the additional population and the increased traffic.

Jack Stevens of 3236 S 250 W asked how many homes were proposed. He said his big concern was the traffic dumping out onto 3200 S. He said his second concern was the sewage and future utility expenses.

Loel Johnson of 85 W 4000 S said he has lived in Nibley for 47 years. He said that 800 W was not quite big enough to handle the traffic. He asked if building would be held off due to the moratorium. He commented on the size of lots and felt considerations should be made before approval of any high density lots.

Mr. Roberts addressed Mr. Johnson's concern regarding the moratorium. He stated that it did not relate to the approval of the plat. Commissioner Obray summed up Mr. Robert's explanation and said that the moratorium prevented any new applications from discussion but not any prior ones.

Denise Buchanan of 472 W 3220 S said she attended the meeting to receive information but did not receive enough and was overwhelmed, especially with the high density and parking demands. She did not see it as well thought out and saw it as money hungry people. She questioned schools, water, sewer, fire, and police. She felt she took her time to come and was not getting the information and it was a total waste of time.

Jim Renshaw of 605 W 3300 S sent in the public comment email. He asked if the driveways were long enough to park your car without going on the sidewalk. He thought it was way too dense, too many homes and not enough parking. He agreed with Mrs. Buchanan regarding all the unanswered questions.

Bonnie McBride of 244 W 3200 S was concerned with her little corner and Dan Francis' corner. She said it was really going to affect them a lot and they were concerned.

Commissioner Obray closed the public comment period at 7:12 p.m.

Mr. Steele addressed the alley loaded parking and street loaded parking concerns using the preliminary plat visual. He stated that there would be additional guest parking that was not displayed on the plat. Commissioner Obray clarified the building of a wider road. Mr. Roberts said there was more than enough guest parking allowed by the ordinance. Mr. Steele added that the idea of putting the parking along the street was from the previous City Planner, Stephen Nelson. Mr. Steele said it was Stephen's idea and not something he had done in the past and kind of liked it. He wanted the opinion of The Commission and explained why the plat was a work in progress. He confirmed the increase in traffic and tried to mitigate those increases. He thought the biggest problem was the light on 3200 S. He stated there was discussion with UDOT regarding this. As asked by Commissioner Obray, Mr. Steele went over the *Concept Approved Sheet* to answer questions regarding access points and overall traffic flow patterns. He pointed out that the overall density was 6.5 units per acre and the RPUD allowed for 12 units per acre. He also mentioned that he was open to suggestions on playground equipment and wanted feedback from the Commission and the City on the age group for the equipment. Mr. Steele discussed the park and completion of roads with the Commission.

Discussion and Consideration of a recommendation of approval for Ridgeline Park Phases 1-3 Preliminary Plat, located at approximately 340 W 3200 S. (Applicant: Visionary Homes)

Commissioner Mansell asked Mr. Roberts to address the sewer and water questions. Mr. Roberts confirmed that there was adequate infrastructure for the development to tap into the water and sewer. He clarified that the Public Works Director and City Engineer wanted some additional details. Commissioner Mansell questioned the financial impact on residents regarding property taxes. Mr. Roberts stated that with a residential development in general, the higher the density, the less impact there was on property taxes. He said the County did a study and the townhomes had the lowest impact and bared the highest tax burden per acre. Commissioner Swenson asked if the impact fees were the same for townhomes and single-family residents. Mr. Roberts confirmed that it was. Commissioner Mansell felt it was important to educate. He clarified that there were no apartments in Nibley. Commissioner Obray read the definition of apartments. He asked Mr. Roberts if the City Council had discussed covenants and restrictions inside the HOA. Mr. Roberts said he had not heard anything since he had started with Nibley. Commissioner Swenson asked Mr. Roberts to address the concerns and show on the map, the property of Sheila Jessop and Bonnie McBride regarding their corners. Mr. Roberts said there would be an intersection at 3200 and 250 W and as a master planned roadway, to have 250 extend to the N. Commissioner Swenson asked Mr. Roberts to pull up the GIS map. Mr. Roberts clarified that there would be no change on the S corner, but the N corner would have the extended roadway. Commissioner Swenson wanted to know how close the road would be to the house on the NW side because it may not work. Obray agreed that it was a good question that would come up at a later phase and was not pertinent to the discussion. Commissioner Obray had two main concerns that he needed to see resolved. A) Zero responsibility for the City to develop any aspect of the roads and B) What the true value of the property was. He suggested that because there were so many unknown things about the true cost to put in the park, that the "gift" might not actually be a gift. He wanted to continue the item until they knew exactly what the full value of the park was going to be and did not want to move forward with any aspects of the subdivision. Mr. Steele stated that 75% of the impact fees was guaranteed to go into the development of the park. He thought the developer would bear the cost in mitigating the wetlands and not the City. Mr. Steele and Commissioner Obray debated on the wetland area in the development. Commissioner Obray was not comfortable moving forward until he knew exactly what they were dealing with. With his experience, he felt there was far more expense in that area than the City was anticipating. Commissioner Swenson asked if the applicant was aware of the list of recommendations. Mr. Steele confirmed that they were aware of all the redlines from the staff.

Commissioner Mansell moved to continue to the next meeting, the Discussion and Consideration of a recommendation of approval for Ridgeline Park Phases 1-3 Preliminary Plat, located at approximately 340 W 3200 S. (Applicant: Visionary Homes). Commissioner Logan seconded the motion. The motion passed unanimously 4-0; with Commissioner Obray, Commissioner Swenson, Commissioner Mansell and Commissioner Logan all in favor.

A Public Hearing to receive comment on an Ordinance Establishing Accessory Dwelling Unit Standards

Mr. Roberts gave a prepared visual *Accessory Dwelling Units (ADUs)* presentation (a printed version of this presentation is included in the printed meeting minutes). The code defined short term rentals as less than 30 days. Commissioner Obray thought clarification was needed for the last Provision. Commissioner Swenson read the code. Commissioner Obray felt *additional* should be taken out. Commissioner Logan suggested replacing with *minimum*. There was general consent. Commissioner Obray reminded the public of the rules.

Commissioner Obray opened the public comment period at 8:00 p.m.

Jack Stevens asked about the size of the lots and having a structure built on those size lots. He was curious about the additional two car requirement and more traffic as a result. He said it seemed like a lot more on the sewer system.

Loel Johnson was concerned with the parking. He wanted to make sure all the cars were accommodated within the property to avoid cars on the parking strip or lawn.

Commissioner Obray closed the public comment period at 8:04 p.m.

The Planning Commission addressed and discussed the parking concerns. They did not want parking on the street. Commissioner Logan agreed with the compromise of two separate places. Commissioner Swenson read the current parking ordinance and the Commission discussed.

Discussion and Consideration to recommend approval of Ordinance 20-13: Accessory Dwelling Unit Standards

Commissioner Logan moved to recommend approval of Ordinance 20-13: Accessory Dwelling Unit Standards. Commissioner Mansell seconded the motion. The motion passed 3-1; with Commissioner Obray, Commissioner Mansell and Commissioner Logan in favor and Commissioner Swenson dissented.

A Public Hearing to receive comment on an Ordinance Update to Nibley City Code 21.10.020 Amending the Rural Preservation Subdivision

Mr. Roberts referred to his prepared visual *Rural Preservation Subdivision Code Revisions* presentation (a printed version of this presentation is included in the printed meeting minutes).

Commissioner Obray opened the public comment period at 8:14 p.m.

Jack Stevens asked what the open space was designated for and questioned the location for accessibility.

Loel Johnson asked if the City would own the unusable land that was set aside on a subdivided property and how long it would be set aside for. He said it seemed like the roads in the subdivision ought to be the same size as the connecting roads. He suggested that all the amenities within the subdivision should comply with all the rest of the road requirements within the City.

Commissioner Obray closed the public comment period at 8:18 p.m.

Mr. Roberts addressed Mr. Steven's and Mr. Johnson's questions. He referred to the code section H4 *Open Space Land Coordination* and section H1 *Permitted Uses on Open Space Land*. He stated that a maintenance plan was required within the subdivisions that would be spell out the assigned responsibility of care. The Planning Commission addressed Mrs. Jessop's question regarding ownership and use of open space land.

Discussion and Consideration to recommend approval of Ordinance 20-14: Update to Nibley City Code 21.10.020 Amending the Rural Preservation Subdivision

Commissioner Obray said that the whole purpose of the ordinance was to come up with open space that looks nice or is a usable space for the community and public and to avoid unforeseen consequences. Commissioner Logan viewed it as what was good for the City long term rather than what was cool for the development now.

Commissioner Logan moved to recommend approval of Ordinance 20-14: Update to Nibley City Code 21.10.020 Amending the Rural Preservation Subdivision Ordinance. Commissioner Mansell seconded the motion. The motion passed unanimously 4-0; with Commissioner Obray, Commissioner Mansell, Commissioner Logan and Commissioner Swenson all in favor.

R-PUD Ordinance Update

Commissioner Obray wanted to know the status on a City Council and Planning Commission joint session. Mr. Roberts said that the Mayor has not approved it and his recommendation was to meet with each Councilmember individually.

Commissioner Obray moved to suspend the R-PUD Ordinance Update. Commissioner Logan seconded the motion. Commissioner Swenson was interested in hearing the update and questioned the discussion. The motion passed unanimously 4-0; with Commissioner Obray, Commissioner Mansell, Commissioner Logan and Commissioner Swenson all in favor.

Staff Report and Action Items

Mr. Roberts referred to his prepared visual *Residential-Planned Unit Development (R-PUD) Update* presentation (a printed version of this presentation is included in the printed meeting minutes). Mr. Roberts would try to get approval for a joint workshop with City Council. He did not know the answer to Commissioner Swenson's question regarding the Mayor's opposition to it. Commissioner Swenson proposed an alternative to have the Mayor come meet with the Planning Commission. Commissioner Logan asked if there was a precedent. There was discussion regarding how many parcels the decision would affect. Commissioner Logan asked about the status of the Firefly Referendum. Ms. Bodily said the information would probably be in next month's newsletter. Mr. Roberts gave an update. He stated that the proponents turned in enough signatures, but the City Attorney determined that the law was not followed during the petition process. The City sent out a letter on June 11, 2020 to reject those signatures. Mr. Roberts confirmed that Firefly Estates would be on the next City Council agenda on June 25. He stated that the City would know at that time, the status of the project. Ms. Bodily added that the City would know by then if the issue would need to be resolved in court. Commissioner Mansell said that he had not seen anything on the agenda regarding the *Nibley Meadows R-PUD*. Mr. Roberts confirmed that it was on the March 26 agenda which was continued to make changes to the design. He described some of the changes.

Commissioner Obray adjourned the meeting at 8:40 p.m.

Attest: _____
Office Specialist