

A Meeting of the Nibley Planning Commission held at Nibley City Hall, 455 West 3200 South, Nibley, Utah on Thursday, August 6, 2020.

The following actions were made during the meeting:

Planning Commission Chair Tyler Obray called the Thursday, August 6, 2020 Planning Commission meeting to order at 6:32p.m. Those in attendance included Commissioner Tyler Obray, Commissioner Karina Brown, Commissioner Bret Swenson, Commissioner Matt Logan. Commissioner Garrett Mansell arrived at 6:34pm. Mr. Levi Roberts, Nibley City Planner, was also present. Jamie Ann Gonzales, Office Specialist, was present to record the minutes.

Approval of 7-16-2020 meeting minutes and the evening's agenda

Commissioner Logan moved to recommend approval of 7-16-2020 meeting minutes and the evening's agenda. Commissioner Swenson seconded the motion. The motion passed unanimously 5-0; with Commissioner Obray, Commissioner Brown, Commissioner Swenson, Commissioner Mansell and Commissioner Logan all in favor.

Workshop: Residential Planned Unit Development Code Update (R-PUD)

Mr. Roberts gave a summary of the joint session meeting between the Planning and Zoning Committee and City Council on 7-30-2020 using the prepared visual *R-PUD Ordinance Joint Session Summary* (a printed version of this summary is included in the printed meeting minutes). He said that the Council felt there was a need for R-PUDs and townhomes and there was consensus to continue to move forward with the code update. He advised the Planning Commission to retain flexibility and legislative process for approval. The following revisions were suggested at the joint session:

- The allowance for open space within park strips and areas within the right-of-way should be removed.

- There was discussion regarding the adjustment of the ratio for unit type. The City Council wanted to retain flexibility within the ratio.

- The minimum size for an R-PUD should increase to improve the viability of the maintenance of amenities and offer opportunities for a greater mix of housing options.

- The Mayor suggested increasing it from 120 units to a minimum of 40 acres.

It was expressed at the joint session by the Mayor and most of City Council that the Planning Commission should utilize their best judgement with their recommendations to City Council.

The Planning Commission discussed the three R-PUD locations, their concerns, and recommended revisions from the joint meeting and how to apply those to the ordinance. Mr. Roberts presented a prepared ratio spreadsheet with the splitting units and required open space (a printed version of this spreadsheet is included in the printed meeting minutes). Commissioner Logan questioned the extension of the moratorium. Mr. Roberts thought it was

best to consult the City attorney. He informed the Commission that he submitted a grant application for Transfer Development Rights (TDR) and explained how it worked. Commissioner Obray asked Mr. Roberts to delineate Planning and Zoning suggestions vs. staff suggestions when he reported to City Council. The Commission discussed the proposed change in the current draft to allow flexibility for equal value of amenities. Commissioner Swenson proposed requiring a portion of the park space as City property so that when an amenity was put on it, the community could use it. The Commission discussed. Commissioner Obray thought the biggest benefit to the community was the impact fees, the additional tax revenue for services and roads and the possibility that the developer would give up the 5-acre park, so the community could use it. Commissioner Brown wanted a huge indoor recreation center for the south part of Cache Valley and wanted to discuss further. She questioned the plan for schools. Commissioner Obray stated that it was up to the school districts and state law prohibited building, based on anticipated growth. He said the best way to get a new school was to have more people move in and expedite the process.

The Planning Commission gave general consent for the following R-PUD recommendations:

- Remove the allowance for open space within park strips and areas within the right-of-way
- 60/40% ratio (townhomes to single-family)
- Keep it at 20 acres
- 35% open space with no use of open space within the setbacks

Mr. Roberts discussed next steps which included incorporating the discussed changes into the code and a public hearing on 8-20-20, with discussion and consideration. He said it would then go to City Council to workshop on 9-10-20 and the earliest decision, if they waved the second workshop would be on 9-24-20, two days after the moratorium was lifted. There was discussion about making it a condition to rescind the ordinance if a decision was not reached before the moratorium was lifted.

Workshop: Business License Regulations Update

Mr. Roberts stated that it was a goal of the Planning Commission to consider adding landlords to business license requirements and with that, the potential of establishing a *Good Landlord Program*. This program would provide a financial incentive for landlords to complete a training course and keep properties free of criminal activity and code violations. He displayed a visual *Business License Regulations- Landlords* presentation and discussed the program and licensing requirements (a printed version of this presentation is included in the printed meeting minutes). He said that based on Census data, there were 94 occupied rental properties in Nibley City. Commissioner Logan questioned the cost associated with licensing. Mr. Roberts said that the City could set the cost. He said that the major cost to the City would probably be the curriculum for the class through the *Utah Apartment Association*. Commissioner Obray believed that the point of the program was to not be intrusive in someone's business, but to have enough "teeth" if landlords were not operating along the guidelines. If there was not a *Good Landlord Program*, he said there needed to be strict City code and enforcement to make sure property was maintained. Commissioner Swenson did not understand why Nibley needed it. Commissioner Brown was in favor of the business license requirement and the program. She thought the City should be looking out for the tenants. The Commission discussed the aspects

and licensing requirements of the program. Commissioner Obray said a *Good Landlord Program* would educate landlords on what they could and could not do and lessen the burden on courts and prevent abusive tenants. Commissioner Brown thought it would be nice to have a place for rental complaints, to avoid the financial burden of hiring an attorney. The Commission discussed code enforcement. Mr. Roberts informed the Commission that the City was partnering with Hyrum City for a code enforcement officer. Commissioner Obray questioned the need for Nibley City to know who was renting homes. The Planning Commission discussed. Commissioner Obray was in favor of provisions to prevent neighborhood plight, lazy landlords and licensing above X number of units owned, if complaints piled up from tenants. There was discussion on having a workshop for better code enforcement and tracking complaints to see if Nibley had a landlord concern. There was general consent.

Staff Report and Action Items

Mr. Roberts mentioned that the City received the final plat for Ridgeline Park. He said that City Council took the recommendation of the Planning Commission and there was a “push and pull” with the developer. He also said they were still working through the park agreement. Mr. Roberts said that the “Standard” expansion and the “Malouf” annexation zoning may be on the next agenda.

Commissioner Obray adjourned the meeting at 8:20 p.m.

Attest: _____
Office Specialist