

A Meeting of the Nibley Planning Commission held at Nibley City Hall, 455 West 3200 South, Nibley, Utah on Thursday, February 18, 2021.

The following actions were made during the meeting:

Commissioner Logan moved to recommend approval of a Conditional Use Permit for Short-Term Rental Housing at 383 W 3400 S (Applicant: Bradley & Holly Parker). Commissioner Mansell seconded the motion. The motion passed unanimously 5-0; with Commissioner Obray, Commissioner Swenson, Commissioner Mansell, Commissioner Logan and Alternate, Commissioner Werner all in favor.

Commissioner Swenson moved to recommend approval and revision to the development plans for Nibley Meadows Residential Planned Unit Development, located at approximately 1000 W 3200 S, proposing 273 units on 54.6 acres (Applicant: Westates Companies, LLC). Commissioner Logan seconded the motion. The motion passed unanimously 5-0; with Commissioner Obray, Commissioner Swenson, Commissioner Mansell, Commissioner Logan and Alternate, Commissioner Werner all in favor.

Planning Commission Chair Tyler Obray called the Thursday, February 18, 2021 Planning Commission meeting to order at 6: 35 p.m. Those in attendance included Commissioner Tyler Obray, Commissioner Bret Swenson, Commissioner Garrett Mansell and Commissioner Matt Logan. Mr. Levi Roberts, Nibley City Planner, was also present. Jamie Ann Gonzales, Office Specialist was present to record the minutes.

Approval of (1-21-2021) meeting minutes and the evening's agenda

Commissioner Mansell moved to approve the previous meeting minutes and the evening's agenda. 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 Obray introduced Ryan Werner, recently appointed by the City Council as an alternate for the Planning Commission.

Discussion and Consideration: Conditional Use Permit for Short-Term Rental Housing at 383 W 3400 S (Applicant: Bradley & Holly Parker)

Applicants, Bradley and Holly Parker were present. Mr. Roberts utilized an electronic presentation entitled *Short-term Rental CUP: Parker* (a printed copy of this electronic presentation is included in the printed meeting minutes). His presentation included Background and Staff Recommendations for conditional approval based upon NCC 19.28.050 (C)(1)(g) and anticipated impacts. Mr. Roberts gave examples of code from other cities. Commissioner Mansell asked how short-term rental was defined in Nibley City code. Mr. Roberts stated that it

was less than thirty (30) days. Commissioner Obray said that short-term rentals of 30 days or less was covered by state law. Mr. Parker confirmed Commissioner Mansell's question regarding a separate entrance. Commissioner Swenson disclosed his family connection to Mr. and Mrs. Parker (suggested recusal by Office Specialist, Jamie Ann Gonzales and Deputy Recorder, Cheryl Bodily). He thought the ordinance needed refinement and should be put on a future agenda. Based on Commissioner Swenson's thoughts, Mr. Roberts suggested requiring a public hearing for future applicants. Commissioner Logan wanted to know the penalty for code violation and questioned the benefit of requiring a business license as a condition. Alternate, Commissioner Werner asked if there was a transient tax. Mr. Roberts said it was not currently in the code but could be incorporated. There was general consent to further discuss the code.

Commissioner Logan moved to recommend approval of a Conditional Use Permit for Short-Term Rental Housing at 383 W 3400 S (Applicant: Bradley & Holly Parker). Commissioner Mansell seconded the motion. The motion passed unanimously 5-0; with Commissioner Obray, Commissioner Swenson, Commissioner Mansell, Commissioner Logan and Alternate, Commissioner Werner all in favor.

Discussion and Consideration: Revision to Development Plans for Nibley Meadows Residential Planned Unit Development, located at approximately 1000 W 3200 S, proposing 273 units on 54.6 acres (Applicant: Westates Companies, LLC)

Applicant, Travis Taylor was present. Mr. Roberts utilized an electronic presentation entitled *Nibley Meadows R-PUD Revision* (a printed copy of this electronic presentation is included in the printed meeting minutes). His presentation included Background and Staff Recommendation. Mr. Roberts explained that it was a revision and not an amendment. There was no change in the number of units, unit type split and density. He informed the Commission that the splash pad was located within the dedicated City park. He pointed out the proposed revisions on the Amendment to R-PUD diagram, different from the previously approved Nibley Meadows Master Plan adopted by City Council. Commissioner Mansell confirmed that it was a legislative decision, but the minor reconfiguration did not require a public hearing. Mr. Taylor discussed the reconfigurations. Mr. Roberts reminded the Commission that their decision should be based on the original application under the old code. Commissioner Mansell liked the change which he felt would push more traffic away from 3200 S. Alternate, Commissioner Werner wanted to clarify the details for the splash pad. Mr. Roberts said that the details of the park agreement were not finalized. He thought that in general, it would be paid for by the developer with park impact fees. He said the design would be done by the City and may also oversee building it as well. Commissioner Obray gave context regarding the park and original intent. Mr. Taylor explained the requirement by City Council for the splash pad. In response to Alternate, Commissioner Werner's question, Mr. Roberts stated that the impact fees were \$4500/unit and paid upon approval of the building permit. He further explained the City Council's previously approved usage of the park impact fees in the development agreement.

Commissioner Swenson moved to recommend approval and revision to the development plans for Nibley Meadows Residential Planned Unit Development, located at approximately 1000 W 3200 S, proposing 273 units on 54.6 acres (Applicant: Westates Companies, LLC). Commissioner

Logan seconded the motion. The motion passed unanimously 5-0; with Commissioner Obray, Commissioner Swenson, Commissioner Mansell, Commissioner Logan and Alternate, Commissioner Werner all in favor.

Workshop: Discuss 2021 Planning Commission Goals

Mr. Roberts utilized an electronic presentation entitled *2020 Planning Commission Goals/Accomplishments and Draft 2021 Planning Commission Goals* (a printed copy of this electronic presentation is included in the printed meeting minutes). Mr. Roberts informed the Planning Commission that he was going to present the Planning and Building budget to City Council next week. He said that as part of that presentation, he would present the goals for 2021 for consideration and adjustments accordingly. He reviewed the 2020 goals and status. Commissioner Obray wanted to further discuss the regulations for Accessory Dwelling Unit (ADU) impact fees. He said it did not make sense and questioned the legality. Mr. Roberts said the legality was confirmed by the City attorney. The Planning Commission discussed it. Mr. Roberts informed the Commission of the impact fee rebate. The Commission debated over water and sewer fees. There was general consent to reevaluate ADU regulations. Mr. Roberts discussed the 2021 goals draft. Commissioner Mansell pointed out that the law for boundary line adjustments changed in June of 2020. The Planning Commission discussed lot line adjustments and non-conforming lots.

Commissioner Obray wanted to discuss the need for multi-family housing. He said it was more as a protection aspect than as a desire. He brought awareness to the Commission regarding the annexation petition from Logan City and multi-family housing proposal on 2200 S 800 W. He said that currently, Nibley did not have a building option for the developer and the parcel was an unincorporated county. The Planning Commission discussed it. Mr. Roberts informed the Commission that City Council filed a formal protest to the Cache County Boundary Commission. There was general consent to address the issue as top priority. Commissioner Mansell wanted to add more public awareness for ordinances to the 2021 goals. He asked if the City could send a text to residents notifying them regarding public hearings. Mr. Roberts said that the City could probably spend more resources on getting the public involved when they could make an impact on the decision. Commissioner Swenson asked if there would be any representation for Nibley when the issue went to the Boundary Commission. Mr. Roberts said that the County Executive, David Zook needed to fill three vacant spots and they could not be elected officials. He said the Commission was very inactive and heard that they only met when they received a protest, which was not frequently. Commissioner Obray requested that Mr. Roberts create a sample of multi-tenant housing development standards to bring to City Council. Mr. Roberts said he would address it at City Council's next meeting.

Staff Report and Action Items

Mr. Roberts acknowledged the following action items:

- Create a multi-family housing ordinance
- Review public process for new development in sub-divisions

He said he needed to follow up with the City Manager and City Council before moving forward.

Commissioner O'Bray adjourned the meeting at 8:14 p.m.

Attest: _____
Office Specialist