

A Meeting of the Nibley Planning Commission held at Nibley City Hall, 455 West 3200 South, Nibley, Utah on Thursday, March 04, 2021.

The following actions were made during the meeting:

Commissioner Mansell moved to continue discussion for Conditional Use Permit for Utility Substation at 75 W 3200 S (Applicant: Dominion Energy Utah) for the next meeting. Commissioner Brown seconded the motion. The motion passed unanimously 3-0; with Commissioner Obray, Commissioner Brown and Commissioner Mansell all in favor.

Planning Commission Chair Tyler Obray called the Thursday, March 04, 2021 Planning Commission meeting to order at 6:31 p.m. Those in attendance included Commissioner Tyler Obray, Commissioner Karina Brown and Commissioner Garrett Mansell. Mr. Levi Roberts, Nibley City Planner, was also present. Jamie Ann Gonzales, Office Specialist was present to record the minutes.

Approval of (2-18-2021) meeting minutes and the evening's agenda

Commissioner Mansell moved to approve the previous meeting minutes and the evening's agenda. Commissioner Brown seconded the motion. The motion passed unanimously 3-0; with Commissioner Obray, Commissioner Brown and Commissioner Mansell all in favor.

Discussion and Consideration: Conditional Use Permit for Utility Substation at 75 W 3200 S (Applicant: Dominion Energy Utah)

Applicant, Rick Hellstrom, Land Agent for Dominion Energy was present. Commissioner Mansell disclosed that he did the title work for the applicant. Mr. Roberts utilized an electronic presentation entitled *Dominion Energy CUP* (a printed copy of this electronic presentation is included in the printed meeting minutes). His presentation included Background, Site Plan and Staff Recommendation.

Mr. Hellstrom answered Commissioner Obray's question by utilizing a visual map of the site plan to explain the location of the gas line. The applicant corrected Mr. Roberts and said they were proposing a precast concrete wall and not a block wall. He also wanted to discuss a 28-foot setback instead of the 30-foot setback requirement and clarified the need for a Public Utility Easement (PUE). He answered Commissioner Obray's question regarding ownership of the parcel.

Commissioner Obray expressed his discontent with having a gas substation fronting the highway on 3200 S, adjacent to the town center development and what will be the busiest intersection in the City. He felt that by allowing the utility substation as proposed, it would limit the opportunity for future commercial growth. He was in favor of putting the substation further back on the parcel. Commissioner Brown said it made sense. Mr. Hellstrom informed the

Commission that Dominion would already own the property if it were not for the January 1st, 2021 legislative change regarding boundary line adjustments. Mr. Roberts agreed with Commissioner Obray regarding the growth potential on the corner but said there was no standard regarding location for Utility Substations and they were allowed anywhere with a conditional use. Commissioner Obray wanted to know as Planning and Zoning and Land Use Authority, could they deny a conditional use in an R-2 zone in that location. Mr. Roberts stated that the only reason a conditional use could not be granted was if negative impacts of that use could not be reasonably mitigated.

Mr. Hellstrom said that this discussion started a year ago with staff and was given a green light to move forward with drawings and a conditional use. Commissioner Brown thought it would be better to put the substation further back on the parcel, so the frontage was not right on 3200 S. Commissioner Obray wanted to maintain commercial viability. Commissioner Mansell agreed with the aesthetics and thought the wrought iron fence would be a nicer look in the front. The Planning Commission discussed the setbacks.

Mr. Roberts advised against denying the application. He said there was nothing in City code opposed to substations in these specific locations and the expected impacts could be mitigated.

Commissioner Obray proposed to the applicant an easement on City property next to City Hall. Mr. Hellstrom said it was a problem that the project was behind schedule. Commissioner Obray thought the idea had several long-term negative impacts on the City and future growth. He questioned the applicant further regarding their motives. Commissioner Mansell thought Commissioner Obray made a valid point, but thought it was a small parcel and was not opposed if it was landscaped nicely. Regardless of it being set back further, he did not think it would be used for commercial anyway because of the easement. They debated the issue.

Commissioner Obray noted that the Master Plan did not indicate the parcel as utility, but as commercial industrial. Mr. Roberts said that the Master Plan did not have utility substations anywhere because it was not known where to put them, which was why it was stated as a conditional use.

Commissioner Obray tabled the issue for further discussion.

Mr. Hellstrom asked if the City attorney attended Planning and Zoning meetings. He wanted clarification on a Conditional Use Permit. Mr. Roberts said he could call him. He cited NCC 19.28.050 regarding conditional uses. Commissioner Obray wanted his view of the detrimental impact to be clear when speaking to the attorney.

Commissioner Mansell moved to continue discussion for Conditional Use Permit for Utility Substation at 75 W 3200 S (Applicant: Dominion Energy Utah) for the next meeting. Commissioner Brown seconded the motion. The motion passed unanimously 3-0; with Commissioner Obray, Commissioner Brown and Commissioner Mansell all in favor.

Workshop: Mixed Residential Housing Ordinance

Mr. Roberts utilized an electronic presentation entitled *Mixed Residential Housing Ordinance* (a printed copy of this electronic presentation is included in the printed meeting minutes). His presentation included Background and Purpose, Annexation Overview and Summary of Proposed Elements. He announced to the Planning Commission, City Council's support of their 2021 goals. He reminded them of the formal protest that had been filed by Nibley City Council for the Campbell Annexation (2200 S 800 W). He discussed the zoning in Logan's Future Land Use Plan for the Campbell parcel, which was the same as the Strata apartments N. of Firefly Park. Mr. Robert's stated that whether Nibley adopted an ordinance that allowed for higher density development or not, the unincorporated, Campbell parcel would be developed anyway. He said the question was about where the revenue would go. Would it go to Nibley or to Logan? He discussed the impact on Nibley City neighborhoods and parks. He asked if Nibley City wanted to consider an ordinance that allowed for multi-family housing so that they could receive the revenue to pay for the impact on those adjacent neighborhoods and parks. He also said it would give Nibley some control over design of the neighborhood as well.

Commissioner Obray asked if Logan's ordinance allowed for open space. Mr. Roberts said that 20% of the development needed to be usable open space, but it would probably be private and an additional 10% for landscaping.

Commissioner Brown asked why City Council did not want the Campbell Annexation. Mr. Roberts said that it was adjacent to the Clear Creek subdivision, a park and within the Cache County School District, so those kids would go to Nibley Elementary. The Commission discussed Logan's development plans, annexation, and the impacts on Nibley City.

Commissioner Obray summarized previous discussion regarding the creation of a high-density housing zone in Nibley even though there was no vision for it. He said this would allow the developer the option to come to Nibley which would give the City the opportunity to recoup the impact fees for that development. Commissioner Brown said that made sense. Mr. Roberts also added the benefit of property taxes and other revenue. He said that in general, from a fiscal standpoint, multi-family housing was much more advantageous to the City than lower density development. Commissioner Obray said that multi-family housing was not wanted, but if it was going to happen, then they wanted to be in a situation to control it. He specified creating an ordinance specific to the discussed areas and not expanding to other locations in the City.

Mr. Roberts discussed the proposed elements of the mixed residential housing ordinance. He said that staff recommended adopting several of the standards of the R-PUD (Residential Planned Unit Development) ordinance, but in this case, it would be an administrative decision. He informed the Commission regarding the difference in how Logan and Nibley calculated units per acre. He thought Commissioner Mansell's suggestion to reach out to the developer, Kartchner Homes, to discuss a mutually beneficial arrangement, was a good one. He mentioned his previous conversation months ago with the developer regarding the parcel and the meeting

with Commissioner Obray and Mayor Dustin in preparation. He also met with Chad Wright, Recreation Director regarding public outreach.

Commissioner Obray brought up the concern of the public and the adjacent neighborhood but stated the fact that the developer would choose the more profitable option.

Mr. Roberts asked if the Commission felt the ordinance was ready for a public hearing. Commissioner Obray thought it was ready because there was not much time to delay it. He said if the citizens were against it under any circumstances, then let Logan do what they were going to do. There was general consent to demarcate the potential mixed residential area specific to the discussed property.

The Commission commented on the impact to Firefly park and the dark sky ordinance.

Commissioner Logan arrived at 7:49 p.m. He told the Commission that he spoke with the Mayor. He said he agreed with him that it would be better for Nibley to adopt what Logan was offering the developer, to get control of it. He pointed out that Nibley had a leg up on the parks. Mr. Roberts mentioned that the proposal was different than Logan but what was most important to the developer was included.

Mr. Roberts discussed the 50-foot height requirement. He said he contacted the Fire Chief at Hyrum Fire Department and they were ordering a truck to accommodate that height. Commissioner Logan suggested going one story higher to allow for more open space. The Commission discussed it.

Mr. Roberts thought that by also allowing some commercial, that would be more enticing as well. He said that Nibley would require more open space than Logan's proposal.

Commissioner Logan brought discussing Firefly with the citizens. He admitted that he voted to put it on the ballot but now saw it completely different and they needed to convince the public. Commissioner Mansell thought Firefly should be included in the public outreach. Commissioner Logan came up with a concept years ago called "Little suck, Big suck". He said that what was going to happen will suck either way. "Do you want it to suck a little or a lot."

There was general consent to notice for a public hearing. Commissioner Obray wanted to expand the noticing to 600 ft. Commissioner Logan informed the Commission that the Mayor had delegated the task of putting together an informative video to Mr. Wright. Mr. Roberts discussed the public outreach.

Workshop: Future Land Use Map Amendments

Mr. Roberts pointed out the area that was being discussed on the Future Land Use map which showed it as Medium Density Residential. He said to be proactive, the City should consider changing it to High Density Residential or Commercial and Medium to High Density Residential

because it was the guiding document that led to zone changes. The Planning Commission Discussed it. There was general consent.

Staff Report and Action Items

Mr. Reports reported that the City received an application for a commercial rezone from an auto shop business. He informed the Commission that they proposed to only rezone a portion of the property as commercial. He also announced another commercial rezone from *Rocky Mountain Family Therapist*.

He also reported the hiring of a Planning Intern, Nairobi Jimenez through the summer. He said her main task was to help with a park and signage plan.

He informed the Commission that Justin Maughan was the Interim City Manager.

Commissioner Obray adjourned the meeting at 8:13 p.m.

Attest: _____
Office Specialist