

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

The following actions were made during the meeting:

Commissioner Brown moved to recommend approval of revision to Ridgeline Park Subdivision - Phase 1 and Phase 2 Final Plat (Applicant: Visionary Homes) Commissioner Logan seconded the motion. The motion passed unanimously 5-0; with Commissioner Obray, Commissioner Brown, Commissioner Logan, Commissioner Swenson and Alternate, Commissioner Werner all in favor.

Planning Commission Chair Tyler Obray called the Thursday, March 18, 2021 Planning Commission meeting to order at 6:30 p.m. Those in attendance included Commissioner Tyler Obray, Commissioner Karina Brown, Commissioner Matt Logan, Commissioner Bret Swenson and Alternate, Commissioner Ryan Werner. Commissioner Garrett Mansell was not present. Mr. Levi Roberts, Nibley City Planner, was also present. Jamie Ann Gonzales, Office Specialist was present to record the minutes.

Approval of (3-04-2021) meeting minutes and the evening's agenda

The Commission postponed approval of the previous meeting minutes until next meeting.

Commissioner Swenson moved to approve the evening's agenda. Commissioner Logan seconded the motion. The motion passed unanimously 5-0; with Commissioner Tyler Obray, Commissioner Karina Brown, Commissioner Matt Logan, Commissioner Bret Swenson and Alternate, Commissioner Ryan Werner all in favor.

Swearing in ceremony for Ryan Werner, recently appointed by City Council as an alternate for the Planning Commission Term February 2021-February 2026

City Recorder, Cheryl Bodily, asked Mr. Werner to raise his right hand and repeat the following:

"I Ryan Werner, having been appointed by the Nibley City Council, on January 28, 2021, as an alternate to the Nibley City Planning Commission, do solemnly swear that I will support, obey and defend The Constitution of the United States and the Constitution of this State. And that I will discharge the duties of my office with fidelity."

Alternate, Ryan Werner took his place at the dais.

Discussion and Consideration: Revision to Ridgeline Park Subdivision - Phase 1 and Phase 2 Final Plat (Applicant: Visionary Homes)

Applicant, Dallas Nicoll was present.

Mr. Roberts utilized an electronic presentation entitled *Ridgeline Park Final Plat Revision* (a printed copy of this electronic presentation is included in the printed meeting minutes). His presentation included background, visual illustrations of proposed revisions to the placement and design of the townhomes and staff recommendation. He said that the applicant met the design standards in the Nibley City Code for vertical and horizontal articulation. He also informed the Commission that the applicant revised an error to the property line on the adjacent parcel, owned by Vern & Lena Bale.

Commissioner Logan asked why there was a change. Mr. Nicoll said there was an internal oversight between their development and drafting team, and it was too expensive to articulate every townhome.

Commissioner Brown moved to recommend approval of revision to Ridgeline Park Subdivision - Phase 1 and Phase 2 Final Plat (Applicant: Visionary Homes) Commissioner Logan seconded the motion. The motion passed unanimously 5-0; with Commissioner Obray, Commissioner Brown, Commissioner Logan, Commissioner Swenson and Alternate, Commissioner Werner all in favor.

Training: Open and Public Meetings Act (OPMA)

Mr. Roberts showed an OPMA training video to the Planning Commission that was required annually.

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 & Purpose, Summary of Proposed Elements, Density & Space Regulations, Open Space & Amenities, Architectural Design Standards, Site Design Standards, Use Regulations and Approval Process. He discussed the impact that a current unincorporated annexation proposal to Logan would have on Nibley City and the need for the ordinance.

Commissioner Brown asked how the Cache County Boundary Commission hearing (being conducted on March 25, 2021) worked? Mr. Roberts gave clarification regarding the hearing and said the Boundary Commission would rule on whether the protest by City Council was valid and whether to deny or approve the annexation petition. He said there were discussions at staff level with the developer regarding the process. Commissioner Brown asked if people from Nibley needed to go to the hearing. Mr. Roberts said that they could as it was a public hearing. The Planning Commission discussed the possible outcomes of the hearing. Mr. Roberts said that staff and possibly the City Attorney were going to be at the hearing in answer to Commissioner Swenson's question. He said he thought the Mayor was going to give a presentation. Commissioner Swenson said he was going to try to make the hearing and Commissioner Logan confirmed that he would be present. Mr. Roberts answered Commissioner Brown's question and said that the Commissioners could speak at the public hearing.

Commissioner Swenson asked when the Annexation Map was last revised. Mr. Roberts said he thought it was in 2018 and there have been a few annexations since that time.

Mr. Roberts recommended changing *Restaurant, Fast Food* on the Land Use Chart to *Restaurant*.

Commissioner Brown asked about next steps. Mr. Roberts explained the City Council approval process. Commissioner Swenson recommended a video presentation with the Mayor to put on the City website. Mr. Roberts confirmed that staff was working with Commissioner Logan to put together an information video.

Alternate, Commissioner Werner asked for clarification on the grounds of the protest and the interest of the County. Mr. Roberts said that the County was supposed to remain impartial and use *Utah Code 10-2-403. Annexation petition – Requirements* as the standard. The Commission discussed the Code and grounds for argument.

Commissioner Obray disagreed with section (6) (a) as an argument because the tax revenue would still go to Cache County School District.

(6) If practicable and feasible, the boundaries of an area proposed for annexation shall be drawn:

(a) along the boundaries of existing local districts and special service districts for sewer, water, and other services, along the boundaries of school districts whose boundaries follow city boundaries or school districts adjacent to school districts whose boundaries follow city boundaries, and along the boundaries of other taxing entities

Mr. Roberts said that the City was focused on (6)(d). He said it was not equitable for the annexation to go to Logan because most of the impact would be felt by Nibley City due to its proximity and type of development proposed.

(6)(d) to promote the efficient delivery of services; and (e) to encourage the equitable distribution of community resources and obligations.

Commissioner Obray asked what kind of precedence there was. Mr. Roberts said he knew there were protests in the past but did not know if there had been a lot of examples of the Boundary Commission denying a petition.

Mr. Roberts informed the Commission that although it was not required, staff notified property owners within 600 ft. of the Campbell property.

Commissioner Obray asked about the Street impact fees for the City. Mr. Roberts discussed the impact fees using a visual of the impact fee schedule.

Staff Report and Action Items

Mr. Roberts shared the items on the next agenda. The Planning Commission discussed it. He informed the Commission of the public engagement efforts. Alternate, Commissioner Werner recommended resident text notifications.

Commissioner O'Bray adjourned the meeting at 8:00 p.m.

Attest: _____ Office Specialist