

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

The following actions were made during the meeting:

Commissioner Brown moved to recommend approval for Ordinance 21-21: Development Agreement for MPI Group, LLC Temporary Parking Allowance. Commissioner Mansell seconded the motion. The motion passed unanimously 4-0; with Commissioner Obray, Commissioner Brown, Commissioner Mansell and Commissioner Swenson all in favor.

Planning Commission Chair, Tyler Obray called the Thursday, November 04, 2021, Planning Commission meeting to order at 6:32 p.m. Those in attendance included Commissioner Tyler Obray, Commissioner Garrett Mansell and Commissioner Bret Swenson. Commissioner Karina Brown arrived at 6:33 p.m. Mr. Levi Roberts, Nibley City Planner was present. Mrs. Jamie Ann Gonzales, Office Specialist was present to record the minutes.

Approval of the evening's agenda and 10-21-2021 meeting minutes

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

The Commissioners present for the 10-21-2021 meeting were not present to approve the meeting minutes.

Commissioner Karina Brown arrived at 6:33 p.m.

Public Hearing: to receive public comments for Ordinance 21-21: Development Agreement for MPI Group, LLC Temporary Parking Allowance

Commissioner Obray opened the public hearing at 6:33 p.m.

Commissioner Obray closed the public hearing at 6:34 p.m.

Discussion and Consideration: Ordinance 21-21: Development Agreement for MPI Group, LLC Temporary Parking Allowance

Mr. Roberts utilized an electronic presentation entitled *Malouf Parking Agreement* (a printed copy of this electronic presentation is included in the printed meeting minutes). He gave an overview which included *Background, Parking Masterplan, Agreement Provisions, and Staff Recommendation*.

Mr. Roberts confirmed and explained Commissioner Obray's question regarding the ordinance change specific to Malouf. Commissioner Swenson asked if Malouf could still put in the parking even though there was a city border down the middle of it. Mr. Roberts replied that Malouf indicated that Logan did not want to permit it because it was in an agricultural zone. He said that the City was told that Logan would not have an issue disconnecting from that parcel.

Commissioner Brown asked how long the disconnect process would take. Mr. Roberts said that he did not know, but it could take up to a year for the disconnect and annexation.

Commissioner Swenson asked if there was concern that at the end of the (24) months, Malouf would ask for an extension. Mr. Roberts felt that the agreement gave enough cushion to ensure that would not happen. He said that Malouf would have to go through the same process again if they wanted to ask for an extension but there was financial assurance in the agreement to build the parking. Commissioner Swenson pointed out that the City would not be able to build the parking if they were unable to get a permit from Logan and he wanted to know if the bond would cover the tear up and reclamation of the area. Mr. Roberts said there was another area designated for permanent parking that could be developed, however it was not the preferred phasing for Malouf.

In answer to Commissioner Mansell's question, Mr. Roberts explained the delay in the development of the proposed building that was approved.

Commissioner Mansell asked about access to the temporary parking lot. Mr. Roberts thought they would funnel employees through on their own lot. Commissioner Obray clarified that it would not funnel through the neighborhood.

Commissioner Swenson wanted to know if the economy changed in two (2) years, would the City be protected and be able to reclaim the temporary parking if the permanent parking was not completed per the agreement. Commissioner Obray asked about the financial assurance. Mr. Roberts gave clarification and said it would be enough to provide sufficient, permanent parking to meet the ordinance. Mr. Roberts responded that he did not think that Logan had a legal basis to deny the annexation in answer to Commissioner Obray's question.

Commissioner Brown added that Malouf was a big contributor to Nibley City and questioned adding anything to the agreement. Mr. Roberts felt that the agreement was well covered.

Commissioner Brown moved to recommend approval for Ordinance 21-21: Development Agreement for MPI Group, LLC Temporary Parking Allowance. Commissioner Mansell seconded the motion. The motion passed unanimously 4-0; with Commissioner Obray, Commissioner Brown, Commissioner Mansell and Commissioner Swenson all in favor.

Workshop: Accessory Dwelling Units and Two-Family Housing

Mr. Roberts utilized an electronic presentation entitled *ADUs & Two-Family Housing* (a printed copy of this electronic presentation is included in the printed meeting minutes). His presentation included *Background, Issues and Recommended Code Changes*. As discussed in the last meeting, he said it did not make sense to distinguish between attached ADU or Two-Family Housing. He reiterated the concern that the property owner should live on-site which was folded into the draft ordinance. He also informed the Commission that in Nibley's ADU ordinance, the restrictions for parking and minimum square footage were not allowed under the updated State Code for IADUs (Internal Accessory Dwelling Units).

Mr. Roberts interpreted the recommended code change to delete provisions for '*attached ADUs*' in commercial buildings and replace with allowance for '*commercial/residential mixed use*' in all zones as a conditional use. He also added that this would allow for other things in residential zones limited to the uses that were on the Land Use Chart and gave an example. Commissioner Obray received clarification on conditional use. Mr. Roberts referred to NCC 19.20.020 *Land Use Chart* (a printed copy of this chart is included in the printed meeting minutes). He clarified that the language would change from *ADU* to *Mixed Use* to allow for two (2) residential units mixed with commercial. He said that mixed use was not permitted in residential zones and gave an example of how it would mostly apply to commercial zones.

Commissioner Obray asked how many residential units were allowed in a Neighborhood Commercial Zone. Mr. Roberts said that two (2) family units were allowed but there were other allowances with RPUDs (Residential Planned Unit Developments). In response to Commissioner Swenson's example, Mr. Roberts clarified that it was allowed in residential zones if the use was permitted in the chart. The Commission discussed limiting ADUs to residential use only.

Mr. Roberts clarified that the change they were discussing was to replace what was already in the ordinance but could later discuss live-work units in residential zones. Commissioner Obray was okay with live-work but was concerned with a single-family, ADU and work on the same parcel. Commissioner Swenson shared that same concern and wanted clarification on the definition of *owner occupied or by a close relative*. Mr. Roberts explained and recited the definition in 19.04.010 *Definitions* (a printed copy of 19.04.010 Definitions is included in the printed meeting minutes). The Commission discussed it.

Commissioner Obray brought up previous duplex discussion and utilized the visual presentation photo. He clarified that only one (1) IADU or ADU was allowed on the property and wanted clarity in the code for a maximum of two (2) families. Mr. Roberts clarified that state code defined '*family*' as no more than four (4) non-related people and said he needed to confirm the definition of '*family*' in the code.

Commissioner Obray received clarification on the *Recommended Code Changes 4.a.* in the electronic presentation. The Commission discussed the definition of an ADU and there was general consent to include a provision that ADUs needed to be attached to the commercial structure. Mr. Roberts questioned conditional use vs. permitted, but clarified that Two-Family Dwelling was listed as conditional use. The Commission discussed it. Commissioner Obray summed up the code changes for 4.a. Mr. Roberts thought it would be good to add clarification for attached ADU.

Staff Report and Action Items

Mr. Roberts reported on the following:

- LUDMA training scheduled for next meeting
- Ridgeline Park preliminary plat for next phases
- Nibley Meadows preliminary plat review
- RFP – TDR Ordinance

Commissioner O'Bray adjourned the meeting at 7:31 p.m.

Attest: _____
Office Specialist