
**City of Nibley
Planning Commission
Held at Nibley City Hall
455 West 3200 South
Nibley, UT 84321
Thursday August 18, 2022**

Call to Order – Roll Call – Approval of Agenda – Approval of Minutes

Meeting called to order at 6:31 p.m.

Present: Commission Chair Bret Swenson, Commission Vice Chair Tyler Obray, Commissioner Garrett Mansell, Commissioner Karina Brown, and Alternate Commissioner Erin Mann

Absent: Commissioner Matt Logan
Commission Vice Chair Tyler Obray left at 8:39 p.m.

Staff Present: City Planner Levi Roberts and Assistant Recorder Jamie Ann Gonzales

Guests Present: Former Providence City Mayor John Drew
Arrived for the Moderate Income Housing Plan Workshop

Applicants: Quinn Johnson, Lawn Specialists
Shane Johnson, Lawn Specialists

There was general consent for the evening's agenda.

There was general consent for August 4, 2022, meeting minutes.

Discussion and Consideration: Conditional Use Permit for Lawn Specialists at 45 West 3200 South

Mr. Roberts utilized an electronic presentation entitled *Lawn Specialists CUP* (a printed copy of the presentation is included in the printed, record copy of the meeting minutes). His presentation included *Background, Site Plan, Potential impacts/mitigation: Traffic, connectivity and parking, Noise, light and dust, and Landscaping/screening, and Staff Recommendation.*

Commissioner Mann received clarification on the hours of operation.

Commissioner Mansell questioned the enforcement on the 2nd condition: *Appointments with clients be limited to no more than two at any one time* and wondered if it should be a condition at all. Mr. Roberts said it was difficult to address but would be enforced based on complaint.

Commissioner Mansell asked about product dividers for dust control to prevent the wind from blowing them away.

Commissioner Swenson requested a posted sign with phone number to call for appointment only. The applicant agreed.

Shane Johnson did not want the condition of only two (2) clients at a time if they were able to contain them within the yard and asked the Commission to reconsider. Commissioner Obray agreed with Commissioner Mansell on enforcement. Commissioner Swenson wanted to have the condition now rather than having to address it later. Mr. Roberts suggested a different way to reword the condition to satisfy the applicant's request. The Commission agreed.

Commissioner Swenson received clarification on the March 1st deadline and type of machinery the applicant would use. He had concerns about controlling the dust with water and how that would be supplied. Shane Johnson indicated that they had rights to a spring on the property and could pump water. He also informed the Commission that City Manager Justin Maughan mentioned contacting *Dominion Energy* about utilizing the meter on-site. Commissioner Obray did not share Commissioner Swenson's concern that there was no "on demand water" because there were no structures. He stated that if the applicant violated the dust conditions than their business license would be suspended. Shane Johnson stated that there was a fire hydrant in front of "Ginny's Pit Stop" in response to Commissioner Swenson.

Commissioner Swenson asked if the property was in a wetland area. Mr. Roberts confirmed that it was not according to the Cache County Parcel View and NWI (National Wetland Inventory).

In response to Commissioner Obray, Shane Johnson said there would probably be a little grading on the west side.

Commissioner Mansell added that he thought requiring a water hookup was a good idea. The Commission discussed the options with the applicant. Mr. Roberts stated that the city did not want to tear up the road which was the purpose for looking into the *Dominion* connection.

Action: Approval of Conditional Use Permit for Lawn Specialists at 45 West 3200 South at 2900 S Hwy 89/91 with staff recommendation but change *Appointments with clients be limited to no more than two at any one time* to All client vehicles must be maintained on the site and on or before March 1st, the proponents will provide a water plan for dust mitigation and landscape water. Staff recommendations were as follows

- Street trees which are listed on the Tree Policy Plan spaced every 50 ft and landscaping to be installed along frontage of 3200 South.
- Appointments with clients be limited to no more than two at any one time.
- Any hours of operation must be limited to 7:00 AM to 10:00 PM
- Any noise generated beyond the site be limited to 50 dBA in accordance with NCC 19.28.050.

- All surfaces onsite intended for drive access must be improved with gravel. Any substantial addition of hard surfaces, such as concrete or asphalt must be approved by the City Engineer to ensure stormwater impacts are mitigated.
- Any building or substantial modifications to the site will require a site plan review in accordance with NCC 19.15.050.
- The site must be subdivided to create a separate parcel in the Commercially-rezoned area in which the business is located before March 1 or the business license will be invalidated.

Motion: Commissioner Obray
Second: Commissioner Mansell
Vote: Unanimous; 5-0

Public Hearing: Ordinance 22-16: Amending NCC 21.08.030 and 21.06.060 adding an exemption to subdivision requirements for combining lots and amending subdivision plat amendment approval authority

Mr. Roberts utilized an electronic presentation entitled *Combining Lots exemption* (a printed copy of the presentation is included in the printed, record copy of the meeting minutes). His presentation included *Background*, and *Staff Recommendation*.

Commissioner Mansell reported that he researched examples of combining lots around the county and a lot of them did nothing to remove the PUEs (Public Utility Easements). He recommended adding something to the ordinance for the process of vacating PUEs.

Commissioner Swenson opened the public hearing at 7:10 p.m.

Seeing no public comment, Commissioner Swenson closed the public hearing at 7:10 p.m.

Discussion and Consideration: Ordinance 22-16: Amending NCC 21.08.030 and 21.06.060 adding an exemption to subdivision requirements for combining lots and amending subdivision plat amendment approval authority

Commissioner Mansell explained his concern with combining lots and building over PUEs. Commissioner Swenson wondered if it was a problem that would be caught during staff approval. Commissioner Mansell suggested another caveat for the process to terminate PUEs. Mr. Roberts confirmed that staff already checked for PUEs on accessory buildings or building permits. The Commission discussed it. Commissioner Mansell brought up previous discussion on amending the PUE requirements. Mr. Roberts reported that staff has not required as many PUEs as in the past.

Action: Recommend approval for Ordinance 22-16: Amending NCC 21.08.030 and 21.06.060 adding an exemption to subdivision requirements for combining lots and amending subdivision plat amendment approval authority
Motion: Commissioner Obray
Second: Commissioner Mansell

Vote: Unanimous; 5-0

Public Hearing: Ordinance 22-17: Amending NCC 21.02.060, 21.06.040, 21.06.080, and 21.08.010 regarding subdivision submission requirements

Mr. Roberts utilized an electronic presentation entitled *Subdivision Submission Requirements* (a printed copy of the presentation is included in the printed, record copy of the meeting minutes). His presentation included *Background*.

Commissioner Swenson opened the public hearing at 7:26 p.m.

Seeing no public comment, Commissioner Swenson closed the public hearing at 7:26 p.m.

Discussion and Consideration: Ordinance 22-17: Amending NCC 21.02.060, 21.06.040, 21.06.080, and 21.08.010 regarding subdivision submission requirements

In response to Commissioner Brown, Mr. Roberts confirmed that there was a checklist on the application but with a lot of developments, there would be additional items required. He explained that the purpose was to make the code more user friendly.

Commissioner Obray brought up concerns regarding the changes and how it impacted the preliminary and final plat. He thought the preliminary plat should be a concept plan because the cost for the requirements was “enormous”. And the engineering and traffic studies should be finalized during the final draft. Mr. Roberts did not think staff was proposing to “significantly tighten the restrictions” but to be clearer on what was required. He informed the Commission that the previous city engineer was more of the opinion to try to get as much as possible worked out at the preliminary plat. He referred to DRAFT Subdivision Requirements Amendments 21.06.040 *Submission Of Preliminary Plat (A)(4)* (a printed copy of the draft is included in the printed, record copy of the meeting minutes). Mr. Roberts and Commissioner Obray debated on (4)(b) *Traffic Impact Study* requirement at preliminary plat. Commissioner Swenson agreed that the studies would cost money and was a risk, but that staff also had to invest time and resources. In response to Commissioner Obray, Mr. Roberts said that the reason for the modification was based on input received from applicants to be more upfront.

Commissioner Mansell questioned the timeframe as outlined in 21.02.060 *Complete Submittal Required (A)*. Mr. Roberts explained.

Commissioner Obray thought the city needed to be held accountable as well and not delay applications. Mr. Roberts understood but affirmed that a lot of the applications took longer than fourteen (14) days to review. Commissioner Obray thought thirty (30) days unless there were special circumstances was a good timeframe. Mr. Roberts added that the other difficult thing was waiting months to hear back from the applicants on staff’s review comments. He warned the Commission about being cautious with putting a specific timeframe on the whole process before it was presented to the Planning Commission. And reminded them that staff was directed by both Planning Commission and City Council to not bring it forward if it was messy.

Commissioner Obray and Mr. Roberts had different perspectives on the requirements at preliminary plat. They debated and discussed staff accountability. Commissioner Swenson saw both sides. Mr. Roberts added that the previous engineer, Darren mentioned that reviews had taken a long time because it was not only about meeting the code, but they were messy and there were errors when submitted.

Commissioner Mann asked Commissioner Obray what his suggestion was for recourse if staff did not review within a reasonable amount of time. He thought the preliminary plat should go through automatically. Mr. Roberts cautioned that if there was a specific timeline, there would be more staff denials for recommendation. He stated that staff would not recommend approval if there was anything that was not meeting their goals. Commissioner Obray thought it was just the terminology.

Commissioner Swenson stated that after being on the Planning Commission for six years and seeing lots of Commissioners, one of the biggest complaints and “elevated concerns”, was being presented with “incomplete, inadequate proposals”. He did not like it when there was a page of conditions. He generally did not think there was a situation where city staff had ever abused an application. Commissioner Obray called “BS” and explained his personal experience with the city. He agreed that it needed to be complete but said that preliminary was “almost by definition a draft.” He expressed that the only reason he got involved with Planning and Zoning was because his process in Nibley was “so painful”. Mr. Roberts reiterated that the changes would not make it easier. He said the idea was to make it clear. Commissioner Obray made a suggestion for staff if a preliminary plat was not one hundred (100) percent to code. He wanted to see recourse if the city was going to tighten down on being “gatekeeper”.

In reference to *21.06.040 Submission Of Preliminary Plat (A)(3)*, Commissioner Swenson received confirmation that the city had an agreement with the canal company.

Mr. Roberts informed Commissioner Mansell that the city had a Concept Plan Review that went to the Development Committee comprised of himself, city engineer, and public works and discussed it.

Commissioner Obray pointed out that proponents could always track down the Mayor or City Council.

Action: Recommend approval for Ordinance 22-17: Amending NCC 21.02.060, 21.06.040, 21.06.080, and 21.08.010 regarding subdivision submission requirements
Motion: Commissioner Mansell
Second: Commissioner Brown
Vote: Unanimous; 5-0

Workshop: Amendments to 19.12.040 Mixed Residential Zone R-M, including its application to areas near 2600 S 1200 W

Mr. Roberts utilized an electronic presentation entitled *R-M Zone near 2600 S 1200 W* (a printed copy of the presentation is included in the printed, record copy of the meeting minutes). His presentation included *Background, Concept Plan, Current R-M Zone Regulations, and Proposed changes to R-M Zone standards*.

Commissioner Brown received a response that forty (40) feet was generally three (3) stories. She stated that she was in favor of applying the R-M Zone to the *Wesley Nelson Farms* property.

Commissioner Mann asked if the maximum density of 10 units/acre applied to both single family and multiple units. Mr. Roberts stated that it was for the whole project. Commissioner Obray added that there was no requirement in an R-M Zone for a mixed type of housing and thought it would likely be stacked apartments. He liked the mixed-use of housing types in the R-PUD (Residential Planned Unit Development) and suggested to incorporate it into the R-M Zone. Mr. Roberts thought it was difficult to incorporate if it was a smaller project. The Planning Commission discussed revising the R-PUD ordinance vs. R-M Zone. Commissioner Mansell saw the R-M Zone as applicable to the 89/91 corridor. Mr. Roberts mentioned that it had the same provision for buffering as the R-PUD. However, it would not apply to this site.

Commissioner Brown thought it would be nice to offer something a little more flexible to developers that might have an innovative project.

Commissioner Swenson liked the 10 units/acre. Mr. Roberts pointed out that it made a difference whether it was calculated as gross or net. Commissioner Mansell pointed out that the other codes were net and thought they should be the same. Commissioner Mann asked the Commission what development they thought represented a good ratio of density. Commissioner Obray replied that there were no R-PUDs completed yet.

Mr. Roberts wanted general direction from the Commission on moving forward with a public hearing or specific changes that needed to be made. He reported that he heard from the City Manager that City Council wanted to consider it soon.

Commissioner Mansell also wanted a mixed use of housing types. Commissioner Obray informed the Commission that if they left the max height at fifty (50) feet with 10 units/acre, they would get more open space. Commissioner Brown liked the fifty (50) feet. Commissioner Mann voiced that Commissioner Logan was opposed to the fifty (50) feet. Mr. Roberts said it seemed like there was general consent at the last workshop for forty (40) feet. Commissioner Swenson agreed with Commissioner Logan on forty (40) feet.

Commissioner Mann brought up wording to ensure the contiguous open space was more like a park or community area. Mr. Roberts referred to *19.12.040 Mixed Residential Zone R-M (8)(a) and (v)* (a printed copy is included in the printed, record copy of the meeting minutes). After looking at it again. Mr. Roberts thought maybe dropping it to 1 acre instead of 1.5 acres. Commissioner Mann thought that at least .5 acre or bigger felt like a more friendly, neighborhood use for a park.

There was general consent to move forward with a public hearing and the following:

- Change gross acreage to net
- Mixed housing with two (2) or more types spelled out
- Lower park space from 1.5 acres to .5 acre
- Forty (40) feet maximum height

Workshop: Moderate Income Housing Plan

Mr. Roberts utilized an electronic presentation entitled *Moderate-Income Housing Plan* (a printed copy of the presentation is included in the printed, record copy of the meeting minutes). He introduced the workshop and mentioned that he spoke with Commissioner Brown about giving a summary of the Cache County Housing Crisis Task Force as it related to this topic. He gave some background and informed the Commission that the state required that the update should be adopted by October 1, 2022.

Commissioner Brown utilized an electronic presentation entitled *Housing Crisis Task Force Final Report* (a printed copy of the presentation is included in the printed, record copy of the meeting minutes). She introduced Housing Task Force Co-Chair John Drew and passed out a copy of the *Cache County Housing Crisis Task Force Final Report June 23, 2022, Presented to David Zook, Cache County Executive* (a printed copy of the report is included in the printed, record copy of the meeting minutes).

Commissioner O Bray left the meeting at 8:39 p.m.

Commissioner Brown's presentation included a *Quote from Kem C. Gardner Policy Institute, December 2020, Why the Task Force?, Committee Structure, Mandate, Report Content, Findings, Housing and other Cache Valley Key Data, Why the High Demand for Housing?, Why a Housing Supply Shortage?, What are the Consequences of Doing Nothing, Maintaining the Status Quo?, Housing Myths: We don't understand "High Density", Recommendations for Powers,*

She informed the Commission that there would be an open space bond on the ballot in November.

Her presentation continued with... *Public Outreach Recommendations, Top 3 Recommendations, City Concerns – Phase 2, and Thank you.*

She shared data that she gathered from ten different cities on the number of units that were going to be built over the next couple of years.

- 2,092 Apartments
- 907 Townhomes
- 1,394 Single Family Homes

Mr. Drew addressed the Commission on the data that was collected and how it related specifically to Cache Valley. He discussed infrastructure challenges. He pointed out that as density increased, it required less city maintenance. He articulated that every city had its own “personality and temperament” and should work together. He expanded on the discussion of housing and jobs. And informed the Commission that the report and discussion was continuing with cities and educational outlets throughout the county. He touched on the countywide Master Transportation Plan.

Commissioner Mann asked Mr. Drew to explain the recommendation for *Zoning reform at the county and city levels...* Mr. Drew discussed how cities needed to revisit their code and look for restrictions.

He pointed out that the SB 462 typo in Mr. Roberts *Moderate-Income Housing Plan* presentation was HB 462 and discussed it.

Mr. Roberts felt like the plan needed to be visited frequently to be effective.

Commissioner Mann thought the Housing Crisis Task Force presented great recommendations and loved the idea of public education, especially if it appealed to younger people.

Commissioner Swenson asked Mr. Drew if the Task Force discussed how Cache Valley would be able to sustain the growth without dropping from the #1 desirable place to live. He said that was why they recommended that the county had a master plan to incorporate all the cities. He cited examples of cities that had inhibited growth.

Commissioner Brown pointed out that the focus was also to have a variety of housing types to support different life stages. Mr. Drew explained the *Life Cycle Zone* in Providence. He also spoke about future school developments and discussed a housing data report. He responded to Commissioner Mansell’s question regarding median income. And Mr. Roberts added how it related to the moderate-income housing plan.

Mr. Drew pointed out that a minor league baseball stadium was coming to Providence as reported in the *Deseret News*.

Mr. Drew left the meeting at 9:15 p.m.

Staff Report and Action Items

Mr. Roberts reported on the following:

- Moderate Income Housing Plan Update with action for the Commission to review the strategies and bring back ideas at the next meeting
- Training
 - ULCT Conference October 5-7, 2022
 - APA Conference September 8-9, 2022
- TDR (Transfer of Development Rights) Update

Meeting adjourned at 9:33 p.m.

ATTEST:

Jamie Ann Gonzales, Assistant Recorder