
**City of Nibley
Planning Commission
Held at Nibley City Hall
455 West 3200 South
Nibley, UT 84321
Thursday September 1, 2022**

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

Meeting called to order at 6:30 p.m.

Present: Commission Chair Bret Swenson, Commissioner Garrett Mansell and
Commissioner Matt Logan
Commission Vice Chair Tyler Obray arrived at 6:59 p.m.

Absent: Commissioner Karina Brown and Alternate Commissioner Erin Mann
Commission Vice Chair Tyler Obray left at 8:41 p.m.

Staff Present: City Planner Levi Roberts and City Recorder Cheryl Bodily

Guests Present: Mayor Larry Jacobsen
Al Bingham arrived at 6:33 p.m.
Joel Nelson, Nibley Development joined via Zoom at 7:06 p.m.
John Janson, People + Place, LLC via Zoom

Applicants:

There was general consent for the evening's agenda.

There was general consent for August 18, 2022, meeting minutes.

**Public Hearing: Ordinance 22-18: Amendments to 19.12.040 Mixed Residential Zone R-M,
including adding an area near 2600 S 1200 W to the map of eligible R-M areas**

Commissioner Swenson opened the public hearing at 6:32 p.m.

Seeing no public comment, Commissioner Swenson closed the public hearing at 6:32 p.m.

**Discussion and Consideration: Ordinance 22-18: Amendments to 19.12.040 Mixed Residential
Zone R-M, including adding an area near 2600 S 1200 W to the map of eligible R-M areas**

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...*

Al Bingham arrived at 6:33 p.m.

Current R-M Zone Regulations, Proposed changes to R-M Zone standards, Nibley City R-M Zone Eligibility Area Map, and Staff Recommendation.

Commissioner Logan asked where the Commission came up with ten (10) units per acre. Commissioner Swenson said they ended up there through previous discussions. Commissioner Logan said the applicant talked about doing seven (7) to set a precedent and he felt more comfortable with six (6) for this development and future developments that applied to this ordinance. He also asked what the increase in park size from .25 acres to .5 acres would do to the applicant's submitted park. Mr. Roberts said there were different standards in the proposed ordinance and the applicant would probably have to redesign. He added that another change to the ordinance was adding a mix of at least two (2) development types with no more than 80% of one development type. In general, he thought the applicant would have to adjust their site plan.

Commissioner Swenson informed Commissioner Logan that during discussion, they started at twenty (20) units per acre and generally consented to ten (10) units per acre. Commissioner Mansell envisioned using the R-M ordinance as a transition zone along the Hwy 89/91 corridor.

In response to Commissioner Logan, Commissioner Mansell clarified that the rezone was legislative but would be administrative upon approval. He wanted to know if architectural design standards were included in the ordinance. Mr. Roberts confirmed that they were very similar to the Residential Planned Unit Development (RPUD).

Commissioner Swenson brought up discussion of open space and counting setbacks as part of it. He said it did not make sense to include setbacks as part of open space unless the definition of open space was changed or lowering the requirement. Commissioner Logan reiterated his concern. Commissioner Mansell asked Mr. Roberts to pull up the ordinance and agreed to not counting setbacks as open space. Mr. Roberts said it was treated the same as in the RPUD ordinance and the definition for open space would be referenced. He recited *19.32.020 Definitions And Standards (H) Open Space*

Commissioner O Bray arrived at 6:59 p.m.

and *21.10.020 Open Space Subdivision (B)(1) OPENSOURCE LAND* (a printed copy of these ordinances is included in the printed, record copy of the meeting minutes). Commissioner Logan did not like the wording as described in *19.32.020*.

For Commissioner Obray's benefit, Commissioner Swenson recapped the discussion and received confirmation from Mr. Roberts that the R-M ordinance allowed setbacks to be included as open space. Mr. Roberts elaborated, and the Commission discussed their thoughts.

Joel Nelson joined the meeting via Zoom at 7:06 p.m.

Commissioner Obray said he was not necessarily in favor of amending the R-M ordinance to turn it into the RPUD but would rather create more flexibility in the RPUD and explained. Mr. Roberts responded with explanation about the R-M zone and how it was a copy of the RPUD ordinance with some "tweaks here and there". He said that Commissioner Obray called it something different, but what he described was like what was being considered on the evening's agenda. He thought 35% net developable acreage was a lot of open space and if it was reduced, it might become less feasible. Commissioner Logan did not think he would say less feasible because Nibley was becoming a "premier place to develop". Commissioner Obray described a better way to phrase open space.

Mayor Larry Jacobsen stated for the record that a resident was still mad at him for the Cottonwoods Subdivision.

Mr. Roberts expressed that before any changes were made, the numbers should be considered. The Commission reviewed the concept plan and discussed the commercial zone. There was general consent for 35% open space without calculating standard building setbacks as part of the open space.

Mr. Roberts recapped the proposed changes to the R-M Zone standards. The Commission discussed the lower maximum density and maximum height requirements.

Mr. Bingham addressed the Commission regarding the ordinances that were a struggle to work through. He discussed reducing the open space, and the roundabout. He said the road widths and setbacks were a concern and challenge. He was looking for suggestions and ideas. He said because there were many facets being utilized by the city that it was taking away development options.

Commissioner Swenson commented that nothing could be done about the roads and sidewalks.

Commissioner Obray was okay with fifty (50) feet maximum height if there was truly 35% of useable open space and units per acre based on gross. Commissioner Logan agreed with fifty (50) but wanted to stick with net. Commissioner Swenson suggested raising the max height and change ten (10) units per acre to fifteen (15). Commissioner Obray added to make it fifteen (15) *net* units per acre. Commissioner Mansell questioned adding more than two (2) housing types.

Action: Recommend approval of Ordinance 22-18: Amendments to 19.12.040 Mixed Residential Zone R-M and make eligible for the property located near 2600 S 1200 W, with maximum density of thirteen (13) units per acre based on net

developable area, maximum height of fifty (50) feet and a requirement of 35% open space with standard building front setbacks not included.

Motion: Commissioner Obray

Second: Commissioner Mansell

Commissioner Obray suggested that a commissioner attend the City Council meeting if the recommendation goes forward to explain the thought process.

Vote: Unanimous; 4-0

Commissioner Swenson called for a recess at 7:45 p.m.

The meeting resumed at 7:47 p.m.

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). His presentation included *Background...*

He mentioned the incentive to adopt five (5) strategies which would give the city a higher rating on UDOT Transportation Improvement Funds (TIF).

He hoped that the Commission would address the strategies that the city wanted to pursue.

Update of strategies, Other Potential Strategies...

(H) Commissioner Swenson did not think it was relatable. Commissioner Mansell did not want to reduce the parking requirements. Commissioner Obray did not think it had any relevance.

Commissioner Obray suggested monitoring nightly rentals as the fifth strategy to keep housing costs down. Mr. Roberts clarified that it had to be on the state's list.

(J) Mr. Roberts explained his interpretation.

(P) Already being implemented with the Malouf Community Reinvestment Area.

(R) Would incentivize Accessory Dwelling Units (ADUs) by eliminating impact fees.

(S) Commissioner Swenson thought it would hurt the goal of Transfer of Development Rights (TDRs).

(W) Too hard.

(X) Would not ever do.

and *Implementation Plan*. Mr. Roberts mentioned that the state requirement date was October 1, 2022.

There was general consent to hold a public hearing at the next meeting with time to move forward to City Council for consideration by October 1.

Workshop: Transfer of Development Rights Ordinance

John Janson, People + Place, LLC participated via Zoom.

Mr. Roberts utilized an electronic presentation entitled *TDR Ordinance* (a printed copy of the presentation is included in the printed, record copy of the meeting minutes). His presentation included *Graphic, TDR Systems: Sending and Receiving Areas, Nibley TDR Ordinance Elements: Definitions, Sending overlay standards, Receiving overlay standards, TDR Sending Overlay: Permitted Uses, Sending areas identification, Application guidelines, Severance of development rights...*

Mr. Janson added that many land trusts liked bigger parcels so having the option of the city for stewardship of smaller parcels was the right way to go.

and TDR Receiving Overlay with Chart.

Commissioner Obray left the meeting at 8:41 p.m.

Mr. Roberts explained how a TDR related to an RPUD in answer to Commissioner Logan's question.

Commissioner Swenson asked Mr. Janson what his experience was with a property owner utilizing a TDR for a high value property. Mr. Janson said he worked with Zions Public Finance to create the numbers, but it was also a little bit of a guessing game.

Mr. Roberts hoped to have a public hearing on October 20th and would discuss the map at the next meeting.

Staff Report and Action Items

Mr. Roberts reported on the following:

- Training Opportunities
- City Council discussion of the road on 2600 S

Mayor Jacobsen commented on the discussion and gave a summary. He also reported that there was discussion with a commercial developer who has the commercial land under contract.

- Firefly Estates and Nibley Meadows on next agenda
- New City Engineer, Tom Dickinson

Meeting adjourned at 9:08 p.m.

ATTEST:

Jamie Ann Gonzales, Assistant Recorder