
**City of Nibley
Planning Commission
Held at Nibley City Hall
455 West 3200 South
Nibley, UT 84321
Thursday September 15, 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, Commission Vice Chair Tyler O Bray, Commissioner Garrett Mansell, Commissioner Karina Brown and Alternate Commissioner Erin Mann

Absent: Commissioner Matt Logan

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

Guests Present: John Janson, People + Place, LLC via Zoom @ 7:09 p.m.

Applicants: Tami Midzinski, Heritage Land Development, LLC

There was general consent for the evening's agenda.

There was general consent for September 1, 2022, meeting minutes.

Public Hearing: Resolution 22-23: Amendments to the Nibley City Moderate Income Housing Plan, an Appendix to the Nibley City General 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, Summary of amendments, Existing Strategies, Proposed Strategies, Implementation Plan, and Recommendation*.

He mentioned that there was a Housing Gap Analysis that was not being updated, as it was not being mandated by the state. He said he had hoped to update it, but the tools required to project the housing needs had not been updated.

To be more relevant, he said he rephrased the strategies to be more in line with state code and did not put in the exact verbiage.

Proposed Strategies

2. Eliminate Impact fees for any detached accessory dwelling unit

Mr. Roberts mentioned that the state brought up discussion in the last legislative session and might mandate it anyway.

5. Implement zoning incentives for moderate-income units in new developments

He said it would be through a bonus density if a development provided deed restricted units for those in the moderate-income threshold.

6. Demonstrate utilization of a moderate-income housing set aside from a community reinvestment agency to create or subsidize moderate-income housing

He explained to the Commission that this would be required with the *Malouf Community Reinvestment Area*.

Commissioner Swenson opened the public hearing at 6:47 p.m.

Seeing no public comment, Commissioner Swenson closed the public hearing at 6:47 p.m.

Discussion and Consideration: Recommendation for Resolution 22-23: Amendments to the Nibley City Moderate Income Housing Plan, an Appendix to the Nibley City General Plan

Concerning strategy number five (5), Commissioner Mann asked if the developer or the city would manage the deed restrictions. Mr. Roberts responded that it would be on the private development side and documentation would need to be provided to the city. He said it would be an incentive for bonus density and not mandatory. He cited an example in Farmington, Utah.

Commissioner Brown thought the plan looked great and especially liked how it suggested partnership with Bear River Association of Governments (BRAG) and Neighborhood Non-profit.

Action: Recommend approval of Resolution 22-23: Amendments to the Nibley City Moderate Income Housing Plan, an Appendix to the Nibley City General Plan

Motion: Commissioner Brown

Second: Commissioner Mansell

Vote: Unanimous; 5-0

Discussion and Consideration: Recommendation for Firefly Estates Phase 2A and 2B Final Plat, located near 1100 West 2200 South (Applicant: Heritage Land Development, LLC)

Mr. Roberts utilized an electronic presentation entitled *Firefly Estates- Phase 2A & 2B* (a printed copy of the presentation is included in the printed, record copy of the meeting minutes). His presentation included *Background, Preliminary Plat, Final Plat Phase 2A, Final Plat Phase 2B, Zoning & Space Requirements, Streets, Construction Drawings, Landscaping, Open Space Amenities and Maintenance, Landscape Plan, and Recommendation*.

Action: Recommend approval for Firefly Estates Phase 2A and 2B Final Plat, located near 1100 West 2200 South (Applicant: Heritage Land Development, LLC) with the following condition:
The City Engineer provide final approval of the Construction Drawings and all supportive materials.

Motion: Commissioner Obray

Second: Commissioner Mansell

Vote: Unanimous; 5-0

Workshop: Transfer of Development Rights Ordinance

Mr. Janson joined the meeting via Zoom at 7:09 p.m.

Mr. Roberts utilized an electronic presentation entitled *TDR Systems* (a printed copy of the presentation is included in the printed, record copy of the meeting minutes). His presentation included *Background, Selecting sending/receiving zones, Map Draft TDR Zones, Chart,*

He explained that if the red areas on the map were eligible for a Residential Planned Unit Development (R-PUD), then the density calculation would be different and instead of five (5) units per acre, it could be up to fifteen (15) units per acre.

Commissioner Obray received clarification that the R-PUD was changed to ten (10) units per acre and was going to be amended to five (5). Mr. Roberts explained that for the TDR to work, there needed to be an incentive for the developer. He said it was a thought to lower the density to five (5) with an opportunity to get additional density if the developer brought TDR credits.

Commissioner Obray questioned the mathematical possibility of ten (10) units per acre on the R-PUD ordinance. Mr. Roberts responded that part of this was to change the standards so that it was more feasible.

He explained that areas outside of the R-PUD eligible areas could get up to 50% bonus density and different lot sizes, as described in the presentation chart from what was in the underlying zone.

Commissioner Mansell asked if the open space requirements were going to be changed on the R-PUD. Mr. Roberts confirmed that it was recommended to lower the open space requirement with a TDR but not completely take it out.

Mr. Roberts mentioned that the only thing a TDR did in a commercial zone was allow for mixed use.

Commissioner Mansell brought up discussion regarding lot sizes outside of an R-PUD eligible area.

Commissioner Obray did not want to change any of the existing ordinances. He liked the concept of the TDR but thought it was more cost effective to the developer to use the open space subdivision and there was no incentive for a TDR. He stated that mathematically the calculations of fifteen (15) units per net developable acre with 25% open space would not work. He said there must be an economic off-set to make the TDR ordinance work.

Mr. Janson commented that TDR did not work all the time. He reiterated that it was voluntary, and the open space subdivision ordinance was potentially another issue. He thought the tradeoff was larger open spaces for the farmer's field vs. smaller, usable open space.

Mr. Roberts suggested getting feedback from the development community. Commissioner Obray stated that it all came down to the mathematics and suggested hiring an engineer to work out the numbers. Mr. Roberts thought it was a good suggestion but did not know if it was in the budget.

Commissioner Swenson asked about giving credits for hillsides in flood prone areas that could not be developed anyway. Commissioner Obray described how it was handled in St. George. Mr. Roberts said it was a private market transaction and the city needed to determine what the transfer ratio was. He explained the input from Zions Bank Public Finance to give about three (3) credits per acre.

Mr. Janson commented on farmer's motives for TDR. Commissioner Swenson thought Mr. Janson brought up good points and there were other reasons besides financial gain but agreed with Commissioner Obray that it may not make sense if trying to maximize dollars. He asked Mr. Roberts to explain the application process. Mr. Roberts referred to the *Application guidelines* in his presentation. He expressed that it was "key" that developers did not have to get legislative approval and if they took the steps needed, would be assured the additional density. Mr. Janson agreed that the guaranteed approval was an incentive for most developers.

Commissioner Obray thought the areas on the map along Highway 89 should be coded as sending and receiving. Commissioner Swenson received confirmation that a property owner could send and receive to themselves. Mr. Janson said that in West Valley, those were the easiest and most successful transfers. Commissioner Mann asked about a commercial area on the map.

Mr. Roberts summed up the workshop with general agreement to look at the numbers, get feedback from the development community and run a test scenario.

Commissioner Swenson asked about an area on the map in the annexation plan that was not identified as a sending area. Mr. Roberts thought it should be and could add it. There was general consent.

Mr. Janson stated that doing engineer drawings was not in their contract. Commissioner Obray said he would be willing to work with Mr. Roberts to map out some simple numbers and

measurements. Mr. Janson thought that Jake Young, People + Place, LLC might be able to review it.

Staff Report and Action Items

Mr. Roberts reported on the following:

- Next meeting on October 20th
- Public Hearing for TDR on the 20th and public notification
- R-M Zone Recommendation
- Moderate Income Housing Plan going forward to City Council
- American Planning Association Utah Conference

Meeting adjourned at 8:18 p.m.

ATTEST:

Jamie Ann Gonzales, Assistant Recorder