City of Nibley
Planning Commission
Held at Nibley City Hall
455 West 3200 South
Nibley, UT 84321
Thursday December 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, Commissioner Matt Logan via Zoom and Alternate Commissioner Erin Mann

Absent: Commissioner Vice Chair Tyler Obray and Commissioner Karina Brown

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

Guests Present: Mayor Larry Jacobsen

Applicants:

There was general consent for the evening's agenda.

There was general consent for November 17, 2022, meeting minutes.

Discussion and Consideration: Conditional Use Permit for A1 Way Shed for a Shed Display at 2680 S Hwy 89/91 (Applicant: Brandon Suarez)

Mr. Roberts utilized an electronic presentation entitled *A1 Way Shed CUP* (a printed copy of the presentation is included in the printed, record copy of the meeting minutes).
His presentation included:

- **Background**
- **Map**
- **Configuration of sheds**
- **Rendering**
- **Sign photo**
- **Staff Recommendation**
  Approval of the Conditional Use Permit for A1 Way Shed for a Shed Display at 2680 S Hwy 89/91 with the following conditions:

1. Must be compliant with conditions identified in UDOT conditional access permit.
2. Any site improvements, including permanent buildings, require a site plan review and building permit, as applicable.
3. The proposed Billboard/On-premises sign is limited to 18' in height and 96 sq ft and requires a building permit. Lighting must comply with NCC 19.24.240 Outdoor Lighting Standards. All signage must comply with all regulations of NCC 19.24.150 Permitted Signs.

Commissioner Mann asked about sales tax revenue for the city. Mr. Roberts said it was his understanding that the city would not necessarily receive it.

Commissioner Logan asked about traffic and business conducted on-site. Mr. Roberts responded that business would not be conducted on-site. He said it was more of an advertisement area. He expressed that the city was a little concerned about traffic, but the applicant received a permit from UDOT.

Commissioner Mansell asked if the applicant had a lease with the current landowner. Mr. Roberts informed him that he did. Commissioner Mansell articulated that it was something that should be made of record.

Commissioner Swenson asked who governed the setback on the highway and wondered if it was UDOT. Mr. Roberts said that he did not see it in the documents but thought UDOT indicated that they wanted a fifteen (15) foot setback for visibility. He communicated that the city did not have setbacks for temporary structures. Commissioner Mansell added that they needed to be set outside of the right of way. Mr. Roberts affirmed that they would be.

Action: Approval of Conditional Use Permit for A1 Way Shed for a Shed Display at 2680 S Hwy 89/91 (Applicant: Brandon Suarez) with staff recommendation and an additional condition that a copy of the lease agreement with the landowner be provided to the city
Motion: Commissioner Mansell
Second: Commissioner Mann
Vote: Unanimous; 4-0

Workshop: Transportation Master Plan Amendment Request- Meadow View Lane (Applicant: Jim Johnson)

Mr. Roberts gave context. He reiterated that Mr. Johnson was not happy with the extension of Meadow View Lane through his property. He utilized an electronic presentation (a printed copy of the presentation is included in the printed, record copy of the meeting minutes).
His presentation included:

- **Map**
  He described it as a dead-end road with no adequate turnaround.

He reported to the Commission that Mr. Johnson requested removal from the Transportation Master Plan or have a public hearing for consideration.

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- **Mr. Johnson's email** (a printed copy of this email is included in the printed, record copy of the meeting minutes)
    - Cost
    - Grade change
    - Canal
    - Noticing
    - Traffic

He informed the Commission that it was not staff's recommendation to remove it and addressed connectivity and cost.

He asked the Commission for direction on next steps. Commissioner Mann brought up Mr. Johnson's email and his first point regarding the elevation change and was confused how it would impact the opportunity for open space. She received clarity on his second point regarding the cost over a canal waterway. She addressed his third point and thought having that connection would disperse the traffic better as the neighborhood developed.

Commissioner Mansell thought it was a lot harder to put on than to take it off and was in favor of keeping it in the plan.

Commissioner Swenson thought Meadow View Lane needed to connect. He thought it was the consensus to leave it on the map until a proposal came in that made sense to change it. The Commission gave general consent. Commissioner Mansell communicated that Commissioner Logan's text stated that he wanted it to stay on the master plan.

Commissioner Swenson received confirmation from the Commission to hold a public hearing, although Commissioner Mansell did not know what the purpose of it would be. Mr. Roberts felt that the cost of notification should go to the applicant. Commissioner Swenson brought up the point of deciding who should be notified. The Commission discussed it. Mr. Roberts affirmed that a public hearing would be held.

Workshop: Mobile Home Park Regulations

Mr. Roberts informed the Commission that there was an applicant for a mobile home park north of *Logan Coach* which was being noticed for a public hearing on December 15, 2022. He communicated that this discussion would not affect the applicant's application already submitted under the current ordinance but would be for other applicants moving forward.

He utilized an electronic presentation entitled *Mobile Home Park Regulations* (a printed copy of the presentation is included in the printed, record copy of the meeting minutes).
His presentation included:

- **Questions**
    - Is this appropriate for this zone and/or any other zones in the city?
    - If so, what standards should the city consider applying to mobile home parks?

He stated that there were no specific standards in the current ordinance to adequately address a mobile home park.

Commissioner Swenson's view was that as a residential development, it did not belong in an industrial zone but confirmed that it was irrelevant for the existing application.

Commissioner Mansell wanted to establish conditions and add some standards for the conditional use permit. Mr. Roberts reiterated that it would not affect this application because they needed to apply the standards already adopted. He specified that conditions assessed to mitigate foreseen problems needed to be objective and codified per state code.

Commissioner Logan's answer to the questions was "No!"

Commissioner Mann received clarification that the applicant was proposing private drives but was told that there could be a mobile home park with public streets. In thinking about what code they would want for the future, she thought having public streets would be beneficial for being able to control the esthetics of the neighborhood a little more.

Mr. Roberts communicated that standards could also be adopted for private streets in mobile home parks, but the ones currently in city ordinance were for different applications. He discussed an example of a 'mobile home zone' that he noticed in *Naples's* standards, circulated by Commissioner Swenson before the meeting (a printed copy of these standards is included in the printed, record copy of the meeting minutes). He agreed that having a mobile home in the middle of an industrial zone did not make a lot of sense.

Commissioner Mann expressed thoughts regarding property tax. She wondered if having mobile homes parks met any standards needed for affordable housing and thought it could be an option. Mr. Roberts pointed out that it was something to consider because what was built in the RPUDs (Residential Planned Unit Developments) has not been affordable.

Commissioner Logan added another consideration that with land being a premium, mobile home parks were not as an efficient use of land than condos or townhomes that built up. In the long run, he did not think it would be a good use of the city's land footprint.

Commissioner Swenson articulated including his email for the record. He pointed out the four thousand (4,000) square feet lots in the *Naples* example. He stated that he was not in favor of this anywhere in the city.

Commissioner Mansell expressed that he has never seen a good mobile home park. He thought he might consider it in the interest of affordable housing, if he was shown an example that it could be done. However, he did not see a benefit to the city and was against it.

Commissioner Swenson suggested holding a public hearing to make the change and would then know how the residents felt.

Commissioner Mann added that she did not think they were appropriate in an industrial zone and thought maybe keeping it in a 'mobile home zone'.

To sum up the workshop discussion, Mr. Roberts heard general consent from the Commission to hold a public hearing to delete mobile home parks from the chart. He said they shouldn't have it at the next meeting, but the one after in January, to avoid perception that it was a form of denying the current application when it was not. Commissioner Logan expressed vulnerability of another mobile home park if they waited. Mr. Roberts thought it was "very, very, unlikely." Commissioner Swenson pointed out that because it was on the agenda for the meeting, it was a work in progress.

Workshop: Ordinance 22-19: Transfer of Development Rights (TDR) Ordinance and zoning several parcels as a TDR Sending Overlay Zone or a TDR Receiving Overlay Zone

Mr. Roberts informed the Commission that due to the extensive noticing needed for the public hearing, the meeting was pushed to December 15, 2022. He gave an update and utilized an electronic presentation entitled *Transfer of Development Rights* (a printed copy of the presentation is included in the printed, record copy of the meeting minutes).

Commissioner Mann questioned the area included in the removal east of Hwy 165. Mr. Roberts stated that it was south of 3200 S and pulled up the proposed area on the maps (a printed copy of these maps is included in the printed, record copy of the meeting minutes).

Commissioner Logan stated that he was generally not a fan of TDRs. However, he said he liked that the receiving zones were changed.

Staff Report

Mr. Roberts reported on the following:

- TDR public hearing
- Elkhorn Mobile Estates public hearing
- Malouf annexation public hearing
- Moderate Income Housing Plan
- Nibley Meadows final plat
- Hawk Hollow final plat
- Teuscher Flag Lot final plat
- Parks and Recreation Master Plan update RFP (Request for Proposal)

Commissioner Swenson reminded Mayor Jacobsen that there was only one more meeting this year and a new Commission Chair was needed. Mayor Jacobsen inquired about whose term was expiring. Mr. Roberts reported that it was Commissioner Mansell.

Commissioner Swenson announced that he would be absent next meeting.

Commissioner Mann asked about recourse for lack of construction regarding the house on 800 W. Mr. Roberts informed her that there was a section in the nuisance ordinance on unmaintained structures and it was being addressed.

Commissioner Swenson adjourned the meeting at 7:36 p.m.

ATTEST:

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Jamie Ann Gonzales, Assistant Recorder

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