
**City of Nibley
Planning Commission
Held at Nibley City Hall
455 West 3200 South
Nibley, UT 84321
Thursday December 15, 2022**

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

Meeting called to order at 6:33 p.m.

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

Absent: Commission Chair Bret Swenson

Staff Present: City Planner Levi Roberts, Assistant Recorder Jamie Ann Gonzales and City Engineer Tom Dickinson

Guests Present: Mayor Larry Jacobsen and Councilmember Kay Sweeten via Zoom

Applicants: McKay Winkel via Zoom

There was general consent for the evening's agenda.

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

Public Hearing: 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

Commissioner Obray read the Rules for Public Comment. He announced that comments would be limited to two (2) minutes per person.

Mr. Roberts utilized an electronic presentation (a printed copy of the presentation is included in the printed, record copy of the meeting minutes).

His presentation included:

- **What is Transfer of Development Rights**
- **Why adopt a TDR Ordinance?**
- **TDR Systems**
- **Nibley's TDR Process**
 - Public engagement
 - Case studies
 - Market analysis – Zions Public Finance

- Designation of sending and receiving zones
- Draft ordinance catered to Nibley's unique development issues
- TDR strategic implementation element
- Staff implementation
- Previous public hearing & Planning Commission workshop
- **Public & Stakeholder Engagement**
 - Community Survey
 - Heritage Days Outreach
 - Property Owner/Developer Outreach
- **Utah TDR Case Studies**
 - Mapleton
 - Ogden Valley (Weber County)
 - Spanish Fork
- **Market Study Findings**
- **Nibley TDR Ordinance Elements**
 - Definitions
 - TDR Sending overlay standards
 - TDR Receiving overlay standards
 - Standard forms
- **TDR Sending Overlay**
 - Permitted uses
 - Sending areas identification
 - Application guidelines
 - Severance of development rights
- **TDR Receiving Overlay**
 - Permitted uses
 - Receiving areas identification
 - Receiving area maximum density
 - Other modifications to zoning standards and chart
- **Draft Ordinance recent updates**
- **Sending Areas Selection**
 - Sensitive/significant lands
 - Productive agricultural lands
 - Scenic vistas
 - Unimproved parks/historic land
 - Overlapping areas

- **Receiving Areas Selection**
- **Transfer of Development Rights**
 - Sending and Receiving Areas Map Updates
- **Zoning Maps**
- **Staff Recommendation**

Recommend approval of 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

Commissioner Obray opened the public hearing at 7:03 p.m.

Matthew Holmes, Hyrum City

60 W Main St., Hyrum, UT 84319 (submitted a letter; a printed copy is included in the printed, record copy of the meeting minutes)

[00:30:07] I did write a letter to the Mayor and the City Council and Planning Commission, but I'll just shorten it for this meeting. So, the original plan for the development rights we were good with, the newest version is an issue that we just wanted to address. The County, Nibley, Hyrum, Wellsville, a bunch of the local governments have been working on trying to plan for a west, east corridor along 4400 S. In those meetings we did have an agreement, just a verbal agreement, that we would preserve that area along 4400 S as an industrial, agricultural area for the traffic, primarily for trucks. And then as development grows, it's going to be a major connector to the west side of the valley as well. So, we just wanted to bring that up. And also, another concern is typically the developments with a higher amount of density usually have younger families. It's been an issue in my family. One of my nieces has been affected by similar things, but the increased traffic increases pollution, carbon monoxide, particulate matters, things like that and it can have effects on early development of those children. So just something to consider in that. Thank you. [00:31:26]

Lowell Johnson 85 W 4000 S

[00:32:04] I guess, I'm Lowell Johnson I live on 4000 South. I have a few comments, just extremely concerning. And I would hope that before anybody does anything, they've made some contact with the people who live there, live there and look at what they're going to do if this goes through to the people that live there. I don't think anybody on 4000 South has been contacted about what the plans are, when this letter came out all the green stuff is outside the city limits, red stuff is across the street from us and down this way. And that bothers me. That means across the street from me, thirteen acres may turn into, what's 13 times 15 homes, 150 homes and 13 acres between my street and the canal on the other side. And some of them, the way things are going are three stories high. It would be like living in Macey's or Joann's down here. I don't think this is right for Nibley. The other thing that's the other piece of red land, if it goes to 15 acres or 15 homes per acre, that's 3200 homes. There's about 1200 homes in Nibley right now. I think that's not very good planning. I would suggest that the first thing that happens is that Nibley City set a limit on the percentage of multi-family high density homes in the entire city before they try to do something else. Allow all these developers to come in and destroy the character of the city. Thank you. [00:33:57]

Richard Merrill 5351 Sleepy Hollow Lane, Logan, UT 84321

[00:34:25] Actually, we would like to go one at a time, if we can, please. Is that acceptable? So, Richard and Janette Merrill, we live at 5351 Sleepy Hollow Lane purchased our ten-acre property there about 35 years ago and raised our seven children from there. There's not enough time to really cover all that needs to be covered. First of all, we didn't receive notification of this until one week ago from a letter that was dated 27 of November. Not enough time to prepare and get legal counsel to prepare ourselves for this maneuver. In that we're outside of the city boundaries, you state that I can make an objection to this. Does that mean that if I do that, that our property would be removed from your mapping in the in your plan at this point in time?

[00:35:09][00:35:12] If we object to this...

[00:35:16] Okay, alright, that's fine. I'm going to read to you because there's not enough time what the state zoning code is on this, and I don't have time to read the whole thing. It's been stated already before, but designing, designating, sending zones and receiving zones within the municipality, all property outside of this cannot be part of this. And that would have to be, I guess, taken to court to have to answer that question. I just wanted to talk to you a little bit about the people and inform them really what's going on here. It looks like the Utah League of Cities and Towns is what's pushing this this. I'm going to read this from the American Planning Association. And this is, of course, that government officials are invited to go to. And this is their course objectives. The first paragraph is, learn how to use TDR to implement plans involving environment protection, growth management, urban design, green infrastructure redevelopment and preservation in ways that mitigate sequester, greenhouse gases and adopt to growing climate change threats while achieving other essential community goals. So, climate change is showing up in here. These things, in addition to social justice, I don't want to take the time to read it, but there talking about disadvantaged people who are trying to move urban into the suburban cities and this is done at the national level at this point in time, even in your zone itself, declares that those are outside of the zoning and won't affect, you can take over and go from there. I guess the final thing that I want to say and I'm going to go overtime here, the ambiance of Nibley City is the way it is because there's half an acre lots. Kids can sleep out in their backyards, cook over a fire, have a tinfoil dinner, roast marshmallows. Look at this, guys. I drive past these places...[00:37:02]

Janette Merrill 5351 Sleepy Hollow Lane, Logan, UT 84321

[00:37:09] And that's one of the things that when that survey came out that I sat on there is that I was so grateful, you know, for the two acre lots and the homes because it gives the place, the kids place to play. I don't know what our kids would have done without what we have, and I'm very grateful that we were able to do that. And we worked hard to have what we have. No one comes in and plows our road. No one comes and takes care of our sewer. No one comes and takes care of anything. We do it and we help the neighbors out. So, thank you. [00:37:39]

Ron Bliesner 110 E 3700 S (a written comment is included in the printed, record copy of the meeting minutes)

[00:38:07] I'm Ron Bliesner. I reside at 110 East 3700 South. Thank you for the time to speak today and I have some written comments I can provide to augment what I'm going to say. I'm a little bit different than the previous two commenters because I support in general the concept of TDRs because they preserve value for those who have open land now and are and would like to keep it that way. But economically it's difficult for them to do that. And so that's one way to handle it. I

also I'm concerned throughout the state that we're consuming all of the agricultural land, to turn it into housing. And this is a way to concentrate and provide homes for people that are affordable and still maintain open space and it's voluntary. So, in general, I'm in support, but as one of your slides said, the devil's in the details and I don't envy you, the challenges. I do have a comment concerning the map and one in one instance and that and that's the inclusion of the Johnson gravel pit in the sending zone. It's basically an industrial site that you're allowing them to obtain value from by selling the development rights and then leaving it as an abandoned industrial zone. That doesn't seem like a very good idea to me. I think one of the good things is the allowance of property owners to be able to petition to change the overlay zone that they're in. So if they're in a receiving zone, they want to be a sending zone. They can come to you and petition that. However, there aren't any guidelines on what might be approved or how you're going to consider that. So it's a little bit open ended. I do have some specific comments on the ordinance itself that seem a little kind of contradictory. Paragraph B5 It appears that if you have a home with the parcel size, minimum parcel size is 20 acres. If you have a home on the parcel and you want to send the development rights away from, yet if it's an ag parcel, you can transfer a development right on a ten-acre parcel if it's going to a park, it can be five... [00:40:27]
[00:40:34] Sure I'll just hand it to you. Thank you.

Scott Larsen 2967 S Elkhorn Rd

[00:40:52] First I want to address the fact on your sheet back there I get 3 minutes, but if you're gonna follow your rules, follow your rules. But thanks Commission. Nope you're alright. So, I want to address, first of all, the video that you have online that talks about in her little video. She talks about transfer and she references that I can take one large home that is zoned there and maybe get three credits. So, I just it seems to me that if I'm transferring one development right, and it should just be one development right. And I shouldn't get extra just because I'm pushing it. In other words, if I live along Hollow Road and my lot size is big, I shouldn't be able to push extra on to my neighbors across the city just so I get more value of it. The concept of of preserving AG I'm probably the only one in this this community here that actually still farms. I have to transfer my equipment across the city as it is, and it's pretty hard for my leases that are south of Logan to my south to north Hyrum and that and it's already difficult and to preserve one three quarter acre parcel as AG, a horse on three quarters acres isn't AG it's a hobby it's it's just like anybody else can garden in their little ten acre part of their yard. So, preserving AG is kind of unrealistic if that's what you really your goal is. The other thing is I have a question of of the open space that we're preserving across the street here, Apple Creek we preserved "open space", which the one guy has his farm on, the other guy stores his equipment on. So, we really preserve any space they're still utilizing it, just like anybody else with a large lot, even though it's supposed to be open space. So, my question is, is, is that how are we going to preserve truly preserve the open space that you're trying to, quote unquote, preserve if we're allowing them to just do whatever they want on it kind of thing? And then my other question is, can we combine with other things such as cluster subdivisions? In other words, if I push development rights from large parcels to small parcels and cluster, then I have even higher density in on those properties. And so, I want to know whether you guys are looking at that if I can combine TDRs and other types of elements, such as clustering or conservation subdivisions and stuff like that. Thanks [00:43:16]

Rebecka Affleck 2833 S Hwy 89, Wellsville

[00:44:07] I don't think I understand it completely ... Rebecka Affleck 2833 South Highway 89. We're very close to the little strip center there on Highway 89, on the other side of the highway from Nibley. So, we're not in the Nibley area, and I don't think I understand exactly how it would affect us. But I like to come to know that for sure. If we were to sell our property along that highway there, we would like the option of commercial property there and we're in the green area, which means that we would be what, sending and sending area. And so, we have two points. One is that we're not in Nibley, we're not in Nibley, and the other one is the need to be commercial along the highway we see the value of our property. And that's all I have to say I guess. I hope I can understand this whole zoning area in regards to our property. [00:45:34]

Mr. Roberts read an email submitted by **Marie Anderson Burke** \cong **3700 S Main** (a printed copy is included in the printed, record copy of the meeting minutes).

The following public comments were submitted via email (a printed copy is included in the printed, record copy of the meeting minutes):

- **Michael Arambel**
- **Deacon Reade**
- **Katie Stringham 2338 Spring Hollow Circle**
- **Kent Smith 2316 S 1200 W**
- **Holly Weston 1190 W Nibley Park Ave**
- **Shirley Reeder 1265 W 2200 S**

Commissioner O Bray closed the public hearing at 7:21 p.m.

Discussion and Consideration: 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 addressed the questions from the public hearing as follows:

- Property outside of the jurisdictional boundary
 - Property would need to be annexed into Nibley before it would have a governing affect.
- Objection and request to be taken off the map
 - Not binding, but would be considered by the Planning Commission and City Council

Commissioner Mansell reiterated that no matter what zone the property was in, it was completely voluntary and could be developed under the standard zoning. He explained that it was a "tool" in trying to create a balance between open space and affordable housing.

Mr. Roberts continued and addressed Mr. Bliesner's written questions. He read 4(b) and answered the question *What is the basis of the 10-acre minimum parcel size?* He responded that it was based on the feasible property for productive agricultural use.

- Cluster or other subdivision types

- It would be bound by the restrictions within the TDR ordinance

Commissioner Obray requested to see the TDR receiving area maximum density chart and gave an interpretation. He reiterated how zoning worked. He explained that the city was not taking anything away but was giving options to preserve ten-acre parcels of open space, and corridors for trails in the community. He also referred to the map and pointed out that changes were made to make it more selective. He corrected the comment about the Johnson gravel pit being an industrial waste site. He informed the public that it was mostly county property and slated to be a future regional park.

Commissioner Mann asked for further explanation on the question of preserving open space. Mr. Roberts explained that a conservation easement would be recorded on the property that limited what it could be used for. He said that in addition, the conservation easement would be held by a nonprofit organization, land trust or city for the assurance of appropriate use.

Commissioner Mann clarified that to rezone a property, it would need to be annexed into Nibley and then the property owner could apply for a zone change.

Commissioner Mansell was not aware of the agreement between the cities. He felt that it needed to be honored and the map should be modified. Mr. Roberts concurred and informed the Commission that there was a draft agreement that spoke to the uses along the corridor. Commissioner Obray thought it was an issue and suggested vetting out the agreements before moving forward. He expressed the desire to be good neighbors and not have conflicts.

Action: To continue 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
Motion: Commissioner Mansell
Second: Commissioner Brown
Vote: Unanimous; 5-0

Mr. Roberts confirmed that staff would set up meetings with Hyrum City and the county.

Public Hearing: Recommendation on proposed zoning and annexation of Parcel 03-015-0004, located at 1525 W 2960 S, containing 10.94 acres (Applicant: MPI Group LLC)

Mr. Roberts utilized an electronic presentation entitled *MPI Group Annexation and Zoning* (a printed copy of the presentation is included in the printed, record copy of the meeting minutes).

His presentation included:

- **Background**
- **Plat**
- **GIS Map**
- **Future Land Use Map**
- **Staff Recommendation**

Recommend a zoning designation of Industrial for Parcel 03-015-0004, located at 1525 W 2960 S and proposed for annexation

Commissioner Obray opened the public hearing at 7:40 p.m.

Scott Larsen 2967 S Elkhorn Ranch Rd

[01:07:11] I just had a couple questions. The first is in reference to the rezone the proponents requested what the rezone, even though you guys might suggest industrial, they can rezone to whatever. Is that my understanding? Correct. [01:07:25]

[01:07:29] They could request, not that they did rezone. They could request whatever they wanted. [01:07:33]

Mr. Roberts responded that they could.

Mr. Larsen: [01:07:34] Right? Annexation would just annex and then rezone after the fact. So, they could come in even though we recommend as a Planning Commission industrial, they can propose that they come in at whatever they want. [01:07:44]

Mr. Roberts informed Mr. Larsen that the zoning could be assigned at the time of annexation which was being proposed.

Mr. Larsen: [01:08:09] The city's recommending industrial. They haven't proposed that or requested that? [01:08:15]

Mr. Larsen: [01:08:20] Because there's a legal process to do that. [01:08:21]

Commissioner Obray interjected to circle back to the public hearing process and explained what the public hearing was for.

Mr. Larsen: [01:08:36] That's that's your public hearing. Your public hearing is annexation. [01:08:38]

Commissioner Obray confirmed that the public hearing was to accept the annexation with the recommended zoning. Mr. Roberts explained that the city had to assign a zone when it annexed property.

Mr. Larsen: [01:09:00] No you annex it and annex it at whatever it is right now within the county. In other words, annex it as agriculture then you rezone it to whatever you want. [01:09:07]
[01:09:09] I'll show you state statute if you want. [01:09:10]

Commissioner Obray stated that they would deal with that question later.

Mr. Larsen: [01:09:14] The other question is, is as far as traffic goes right now, all of the traffic that parks there currently empties out onto the Nibley Parkway and we changed as a city any other access to that property to appease citizens. So is there any address to additional parking and and traffic that's going to go out on Parkway that maybe we take it to 2600 South, which we don't currently use anyway, but is there any address to that for what we're going to do as far as the increased traffic because of the additional. [01:10:00]

Commissioner Obray closed the public hearing at 7:44 p.m.

Commissioner Obray called a recess at 7:45 p.m.

The meeting resumed at 7:55 p.m.

Discussion and Consideration: Recommendation on proposed zoning and annexation of Parcel 03-015-0004, located at 1525 W 2960 S, containing 10.94 acres (Applicant: MPI Group LLC)

Mr. Roberts addressed Mr. Larsen's question about additional traffic. He stated that the traffic was analyzed when it was originally developed and if there was additional development it would need to be analyzed. He said from staff's perspective, the proposal would not significantly increase the traffic. He reported that there would be additional transportation connections long term with the extension of Heritage Dr.

Action: Recommend approval on proposed zoning and annexation of Parcel 03-015-0004, located at 1525 W 2960 S, containing 10.94 acres (Applicant: MPI Group LLC) with staff recommendation

Motion: Commissioner Mann

Second: Commissioner Mansell

Vote: Unanimous; 5-0

Public Hearing: Conditional Use Permit for Elkhorn Mobile Estates, a 68-unit Mobile Home Park on approximately 9.7 acres, located at 2850 S 800 W (Applicant: McKay Winkel)

Mr. Roberts utilized an electronic presentation entitled *Elkhorn Mobile Estates CUP* (a printed copy of the presentation is included in the printed, record copy of the meeting minutes).

His presentation included:

- **Background**
- **Basis for issuance of conditional use permit (NCC 19.28.050(A))**
- **Subdivision**
- **Site Plan**
- **Streets**
- **Trails**
- **Parking**
- **Utilities**
- **Canals**
- **Building Lay-out and space requirements**
- **Traffic & connectivity**
- **Noise and Light**
- **Aesthetics and Landscaping**
- **Staff Recommendation**

Approval of a Conditional Use Permit for Elkhorn Mobile Estates, a 68-unit Mobile Home Park on approximately 9.7 acres, located at 2850 S 800 W with the following conditions:

1. The applicant is required to complete the subdivision process enumerated in NCC 21 prior to developing the property.
2. Individual mobile homes are required to obtain building permits prior to locating at the site.

3. No parking signs are required along the 20' private lane to maintain safe emergency access.
4. The applicant is required to improve the frontage of 800 West with the curb, gutter, sidewalk, and park strip (including trees) as a TS-7 cross section consistent with the Transportation Master Plan.
5. Trail crossings must be provided for at the corner of intersections and other safe locations not at skewed angles to the private roadways, as directed by the City Engineer.
6. A private utilities agreement must be developed and executed prior to subdivision completion and construction.
7. The applicant is required to supply sufficient water rights or shares as approved by the City Engineer, in accordance with NCC 21.12.020.
8. The applicant is required to replace the fire hydrant on 800 West.
9. The applicant shall coordinate any improvements to canals with the affected canal companies. Required easements shall be shown on the Subdivision Plat.
10. Canal bridges shall be designed by a structural engineer to accommodate 70,000 GVW truck signed with loading.
11. All lighting associated with the development that emanates beyond their property boundaries is limited to less than 0.01 foot-candles.' All lighting, including those associated with individual mobile home units must comply with NCC 19.24.250- Outdoor lighting standards
12. Any noise associated with the use that emanates beyond their property boundaries is limited to less than 50 dBA.
13. A solid fence or wall of durable material (i.e. vinyl or block) must be provided along the entire south, east and north sides of the property to enhance security and mitigate aesthetic. Such fence or wall must be installed in accordance with NCC 19.24.090 Fence Regulations, including the requirement for a fence permit.
14. Trees are required to be planted along all public and private streets within the development every 50' as required by NCC 21.12.170.
15. All common areas must be landscaped in accordance with *NCC 19.24.170* and Nibley City Engineering Design Standards Section 6(A)(7)(iv)(3) and be maintained and free of weeds in accordance with NCC 7.04.

Commissioner Obray opened the public hearing at 8:23 p.m.

Audra Anderson 2835 S 800 W

A printed copy of the comment is included in the printed, record copy of the meeting minutes. [00:31:05] I'm against it. Please leave our open spaces alone. [00:31:09]

Walt Morrell 3066 S 800 W

[00:31:20] Walt Morrell 3066 S 800 W. I've got three points to make. I will try to get to them quickly. The current condition, they're on three blocks. The section I'm talking about is between 2700 south and 3200 south, about five blocks. There's about three blocks of those five blocks that are not safe currently due to the major corridor that eighth west is. You've got JBS traffic, you've got the semi-trucks going down to Logan coach. We've been looking forward to 1200 W, being completed so that we'd have less congestion because it's just not safe on those three blocks. It's very narrow. If I parked the car or friends came over and parked the car in front of my house and the people across the street had a car parked in front of their house, you'd barely have enough room for two pickup trucks to pass each other. One of Audra's neighbors, Debbie Glenn, has had her mailbox run over three times. I'm not exaggerating. Gary and I helped replace it on the second

time. It's also very dark on the south end of 800 W is very dark. I've tried to get the city to put in a new streetlight. And they they talking about some kind of night sky protection act that prohibits any more streetlights going up. And so it's very dark. It's very narrow. There's about seven families with young children. The Gilsdorfs, the Larsons, the Duncans, the Jordans, the Smiths, the Paulsen's, the McBride's are going to have a baby next week. So these are very young children. The street is not safe the way it is now. And this idea of adding another 100 to 130 vehicles to a very unsafe street, we need to take into consideration those children. And the thought of one of them being injured or being killed would be would be something we don't want to think about. Thank you. [00:33:32]

Gary Ballard 3095 S 800 W

[00:33:43] My name is Gary Ballard. I live at 3095 S 800 E or W excuse me? Is Mr. Wetkin here today? Is he here tonight? He's not here tonight. Is there any representatives from his company, The Boulder Ranch Properties? Anybody here? You're here. Okay. I was disappointed if you weren't here because I feel like we'd be talking on deaf ears. If I appreciate you being here. Thank you. First of all, I want to find out how many properties he's put in. And I found out he's got some right here in Logan. And so I went around and found some pictures. We talked about the building, the construction, and all that. We didn't talk about who's going to upkeep this out of our neighborhood and it's right in your property, you can go down and see them. And so if you don't keep it up there, what makes us believe you're going to keep them here? Okay. Now, in the mission statement of Nibley, Our mission is to make life better for Nibley City residents. The vision of Nibley is to... We envision a community with residential, business and government work together to develop the city harmony. With its natural environment, historical surroundings, and in accordance with a general plan. Did we have a general plan for this to come in? I know there was an agreement that there was a zone that they come in and did that. But I still think we, the citizens, should have a little bit of say what's going on. If we don't stand up and left or city plan, we'll just be run over. People will come in to do what they want to do. We won't be able to have control over our lives. Thank you. [00:35:52]

Alan Briggs 2845 S 600 W

[00:36:16] Alan Briggs 2845 South 600 West. I'm right behind this. I'm in the middle lot right behind this. A couple of concerns. I'm definitely opposed to this. The traffic on 8th is too narrow that we're not suggesting a traffic impact study is disappointing. I feel like 8th really needs a traffic impact study on this because just the huge number of cars that we're going to be increasing on that. I did laugh a little bit and I'm sorry when it said it may result in additional noise impacts, it will. You're going to have 200 people there. Of course, it's going to impact the noise. And how do they keep it under 50 decibels? How is that going to happen? Now you talked about the fence. A fence is fine. I would rather see a wall because a wall is going to mitigate the noise a little bit around the property, so you said a fence or a wall. I'm definitely in favor of a wall that creates privacy for them. It creates privacy for me. I'd like to see some bigger setbacks and I definitely want to see some trees because esthetically I've seen their other properties and they suck. There's no nice way to say it. They look like trash and we can't do that to Nibley. The other concern I have is when the sewer and water pipes, we're put in on 8th W, they were designed for third acre lots, and now that you're going to have a lot more water and sewer use coming out of there. So, I'm not sure that may be something that we've considered. The parking with the way we've got it punctuated. It says no parking signs, which means there are no signs for parking on there. So that probably needs to be a little bit clarified. I think this needs to be better thought through or there need to be fewer units involved. Thank you for your time. [00:38:36]

Richard Hagman 2660 S 660 W

[00:38:49] Richard Hagman I live on 2660 S 660 W. And that to me will directly affect traffic, because if you're proposing an accident, accident in your way there at the cul-de-sac, it'll increase the traffic going right down to the elementary school. And we're really against that. That's one of the reasons why we built our house there. We were the first unit built in that subdivision. The only people that were there when we built our home, Clarks and people on 2600 S and on 800 W, they actually plowed the road through that area so we can build our home. We built it specifically because of their approval with the cul-de-sac. We just do not want to have the traffic going through it. It's already problems with the elementary school. People park down there to wait for their kids down 660 W, to wait for the kids to get out of school. It's just going to make it worse. Thank you. [00:40:20]

Justin Gilsdorf 2875 S 800 W

[00:40:35] My name's Justin Gilsdorf. I live on 8th W 2875 S. Everyone's hit on most of the points. You know, crime. We've had our cars broken into. I know a bunch of people down 8th W and 32 that have had their cars broken into. What what? And I hate to say, but we all know I got nothing against them. But it's not bringing good stuff. Traffic. The road's not wide enough. Has anybody been down 8th W at three thirty? Anybody? It might as well be a parking lot. Have you been down it at five? Have you seen it at ten when people are speeding down the thing? I mean, come on, guys. A traffic study, I know that was proposed at the last meeting and nothing was done. The road is too busy and it's too narrow, especially where Audra and we live. People get flat tires because the road narrows right there. There's no parking like someone suggested earlier. If you have family over. I don't know. I would, I would lean on everyone here that you guys were you're voted to represent us, the citizens. And from what I gathered from this whole meeting, no one's exactly thrilled with what's going on. So, what's the benefit? We bust our butts to afford the house we have, and now that value is going to diminish. How does it affect the schools? Schools are crowded already. I don't know if anyone's noticed but, it's growing. Parking. Just like any other apartment complex. They never factor in enough parking. There'll be four cars in each house. Guaranteed. And now where are they going to park? Not on their private road. They're going to park out on 8th W like this isn't working. This isn't. This isn't good. And like I said, I know that we've had an issue with crime and it's only getting worse as the city grows. So, I would just hope that we can take this all under consideration. [00:42:38]

Leron Weeks 2768 S 660 W

[00:42:58] Leron Weeks 2768 S 660 W as well. There's a couple issues that I have. First of all, I know legally this may go through or whatever. But one of my concerns are the two issues, the trails, the master plan trail that it shows in there and the fence clarification on the recommendations. This is a solid wall. And then in parentheses you put vinyl or block, but then you say install per your ordinance which talks about chain link. It could be a barbed wire fence according to your city ordinance. Could we solidify that it has to be a solid wall or vinyl in your recommendations? The other one is the master trail plan with the trail that leads right into that cul-de-sac. There are no sidewalks along 660 W. There's a cul-de-sac down there which is barely big enough to be able to turn a car around. Plenty has been mentioned about the parking. If you put a trail through there, then you're going to have foot traffic. You're going to be having people park along that road. They talked about the parking when the school lets out and parents were there. You've got cars parked on both sides of the road. That road is not a normal width road. It's more narrow than a standard road is 660 W. When you have cars parked on both sides of the street, there's room for one car to go down the middle of the road you cannot have two cars pass

side by side with cars parked on the other side of that road. You're going to have major foot traffic up and down that road without sidewalks and other cars. You're looking at getting somebody hurt if you put that trail through there. My proposal is my recommendation is that you revisit that master plan to if you're going to put a trail through there, make sure you develop that street more or remove that trail from going through there. Thank you [00:45:15]

Edward Chalfant 858 W 2770 S

[00:45:21] Edward Chalfant 858 W 2770 S. You know, a lot of the points like Justin had just mentioned, you know, have been made. But I don't think the emphasis of what Nibley had had envisioned when they put in 800 W or the subdivision. I was the fifth house that was put in our subdivision 20 years well, 19 years ago. At that time, we had plenty of water pressure. We had plenty of, you know, free, free air space. You know, you didn't have tons of noise. And, you know, it's been mentioned what is going to be done as a, you know, conditional use permit? Is there a way to mitigate or to require that the sound be, you know, respected? Not one person in our subdivision was notified of this hearing. No one. So, you know, when we're were saying, hey, let's reach out to a public forum and see what the community wants. No one knew about this. My son in Hyrum was notified because of someone else that lived in Hyrum. Notice was not given. You know, the other only thing I can say is the fact that, you know, when fire trucks my son's a firefighter and he will be actually going to that that subdivision. You know what happens if there is more than one vehicle in there and they have to pull more than one fire truck through there or they have to bring a fire truck and an ambulance and they're having to rescue someone and someone else has it blocked. So..[00:47:08]

Brent Thomas 2875 S 600 W

[00:47:26] Brent Thomas I live on 600 W 2875 S. So, this would be kind of kitty corner from my property. And I have serious concerns about the lack of specificity about the fencing, as have been mentioned by other people. I would like to see much more specifics and I'd like to see a much more robust fence be required if this is going to go through. I have concerns about the noise and landscaping. I don't think we're clear enough on what would be required there. And I have serious concerns about the crime that this might bring to the community and the fact that there doesn't seem to be anything currently that you've looked at that impact or how how that could be potentially mitigated. Other than that, my concerns are similar to those expressed by other citizens. Thank you. [00:48:17]

Scott Larsen 2967 S Elkhorn Ranch Rd

I appreciate you your notes on this as far as following the code. So, you all have reference to some stuff that I already presented to you about code that we can do. I just want to address a couple of things here in this form. This is proposed as an industrial zone and the purpose as our code reads 19.16.10 The purpose of an industrial zone is to provide suitable areas that will accommodate the needs of industrial and industrial related uses. In reference to the conditional use in 19.28.10 just a little bit prior to what Levi read. It says the purpose and intent of a conditional use is to allow certain areas compatible integration, the use which is related to the permitted use of the zone upon certain conditions and subsequent mitigation of reasonable anticipated detrimental effects as proposed in this use. In my opinion, a mobile home does not fit in an industrial, even though that's where we're committed and we're kind of stuck that way. I understand how a conditional

use permit works in the process that way, and that's why I think where we can mitigate this with that. I don't agree with the setbacks as our staff is presented and I can show you some reference in with that. However, in our code in 19.24.170 (4)(C) it reads setback areas adjacent to residential areas may increase by the planning commission if quote "in their opinion", it is necessary to protect atmosphere and integrity of residential neighborhoods. This is surrounded by neighborhood everywhere except for where Logan Coach is and what's to prevent Logan Coach to change their mind and demolish their building and do the same thing. They'd be residential there too. So, I think we can request more than what is our code and based on our code saying it's our opinion. I look at the site plan right now and the road that's proposed along our Morgan Farm, which we're trying to preserve, is agriculture. It's more as agriculture. The frontage there is taken into account by road and only given twenty feet. And I think the way our code reads, we can do a fifty-foot frontage on those properties as well. That's just how we want to interpret it. [00:50:53]

Clair Scheink 2735 S 660 W

Claire Scheink at 2735 S 660 W. I just want to go on record. I'm opposed to it. It's known that mobile homes, the only tax on it is, first of all, property tax, and then the real estate tax is the only value on it. And that's going to be lower because it's just a just short of ten acres and it's just cement lots right there. And so, I don't know if the city would make a lot of money on that. You answered the question about the canal there. There's also a ditch north of that canal. And I don't know if the Danielson's have water rights or if Morgan Farms have water rights and need that easement for water there, that might be a question. And then the fence is also the other one and then the traffic. Also, most mobile parks are ages 25 to 44 or retired individuals older than 62. And which means there's going to be a lot of young families in that they will actually feed into Heritage Elementary School. Heritage is currently at 767 students in there. So, they're maxed out at capacity and they on the parking lot. So that means the sidewalks might need to be wider. It's a little better easement to get up and down and stuff. We'll see how it goes. Personal property tax, they depreciate, they don't actually they depreciate in value normally between three and 3.5%, but with inflation at 7.1% which is recently reported in November, maybe depreciation is going to be even more higher than that. So. And then is there going to be regulations on the age of the homes, the age of the mobile homes? Are they going to be allowed to put sheds? Back in every mobile park it seems that a 12 foot shed and some are gigantic and then they have decks with roofs over the top of that who's going to regulate that and moderate that? And then since it's a private road, are the police going to be allowed to go down the private road only with the request of the private property owner? And I don't see that happening. So, thank you [00:53:24]

Diana Smith 2876 S 800 W

[00:53:34] My name's Diana Smith 2876 S 800 W. This will affect me I'm in the house on the south side of this. My problem is back when Logan Coach took over Weatherfield, whatever it was called, my property got changed to industrial. It's still residential with the county, but it's industrial with you guys. When you guys put the buffer zone or the road right next to me as this goes through and I end up going back to residential, that's going to affect me. So, the fence that they put up for that, it's important that it's a solid fence, high, the buildings that they're proposing, as far as how many are there, how many families are going to live in each one? Is that going to be monitored? Most mobile home parks like this have more than one family living in it. The riff raff that comes with this brings crime. It brings just like the mayor was talking about. This

is not the way to do that with Nibley. As far as the street goes, it's narrow. There's no room to go up and down that. As far as the water shares or the water that's going down 800 W right now, that is a narrow water line. My water pressure, I can't even run two hoses off of it in the summertime. You put that mobile park in there it's going to make it worse. The buffer zone. You can work on that. Most cities only have one mobile home park if any. Nibley already has one. Why are we wanting another? Who's going to monitor like they say the noise with this, if they can't go down that street? Who's going to monitor that? I say we preserve Nibley. I say you think about something with Morgan Farm Park? And that's all I want to say. Thank you. [00:55:38]

Jeremiah Duncan 3021 S 800 W

[00:55:42] Jeremiah Duncan, 3021 S 800 W. So, a lot of the concerns I have are similar. I work with an EMT currently and he says that that mobile home park we have on 2600 W and 165 they respond to very often and they cannot go in unless they have law enforcement backing them up? So, if that doesn't testify to the crime that moves in with these places, I don't know that you can. Yeah, I don't I don't want to say. It seems like people these days are just not paying attention or they're lying to themselves trying to tell themselves that what has been happening isn't happening. It's it's asinine, frankly. So, take that as you will. [00:56:45]

Reed Cutler 879 W 2880 S

[00:56:53] Reed Cutler 879 W 2880 S. Like everybody else, I said multiple times, crime. The mayor's newsletter. That needs to be pointed out more. I don't know how it can be considered one lot if it is all required a separate building permit for each individual unit being put in. Everybody just brought up 2600 S mobile home park, if anybody's driven by there. That's not really what we want right there. We're five houses down with all the building going on already. The water issue, we get told we can't water our lawn or asked to reduce. But we got a big development going on right here. That going on right there. It's zoned industrial, but it needs to be residential requirements. There's a house in between Logan Coach and where this is going in. So, I know we pay more than average city fees and I volunteer a lot like coaching and stuff. So, I kind of feel like a little pride in this community and it's a nice area and it just needs to stay that way. And there has been an increase in crime. So, that's it. A lot of the points have been taken care of. Thank you. [00:58:37]

Joe Cottrell 3023 S 1000 W

[00:58:53] My name is Joe Cottrell, we reside at 3023 S 1000 W. So, we're two blocks away from this, but we definitely feel the impact that this is going to bring to our community. Um, I'm also been sitting here all night just feeling extremely discouraged as a resident. We're talking about RPUDs and trailer parks going up in our community. What's this place going to look like in ten years? It's going to be Ogden. We're not going to be Nibley anymore. We're going to look like Ogden. And it's going to be horrible if we go down this route. My question is and what what really happened here was a community bait and switch. Right. This was set up to be a facility for the elderly. Right. How do we go from there? An assisted living home to to a trailer park? Right. That's a pretty big jump. My my question for the applicant is, is this the only option? Can we look at other options that would actually benefit the community above and beyond the trailer park? That's what I have thank you. [01:00:06]

Leeann Clark 676 W 2600 S

[01:00:13] My name is Leeann Clark. I live at 676 W 2600 S. I grew up living in a trailer from the time I was born until I was in high school. I know what kind of people live in a trailer. There's good people there's bad people. You'll have it. But we did have problems when we lived in the trailer. You're right next to each other. There's going to be people that are not going to get along. There's going to be problems. My husband was a firefighter for 30 years trying to get a big fire truck down the little road that you're planning on putting in there. It's not going to work. I'm sorry. It's not going to work. And living in a trailer, you're telling me 68 people units are not going to be that much noise? That's laughable. I'm sorry. There's just no way you're going to be able to get that many people in that area with all the traffic. I can't even get out of my driveway. It takes me anywhere from 15 to 20 minutes to get out of my driveway. And now you're telling me that you want to put more traffic on that street? It's wider, sure it is. From the time I moved here. But it's not working. And you're saying you're not going to do a thing to save traffic on that road? What about policing and making people go through traffic and follow the speed limit on that road? I'm 75 years old and you want me to go out to my mailbox anywhere from 6 to 7:00 at night to get my mail? Come on, get real. Nibley is better than this. [01:02:22]

Raschell Pitcher 287 W 3575 S

[01:02:32] I'll be quick. Raschell Pitcher, I live at 287 W 3575 S. I grew up on 8th W and I know 8th W. It has always been a traffic nightmare. It is still a traffic nightmare. I avoid it on my way home even though my mother lives there and I want to stop and see her, but. I have two questions. Are they considering unfinished widening 8th W and is that part of this? Would they add a turn lane so people could maybe even get in and out? And I was very concerned to hear that they want to leave the canal open. Are they looking at fencing it? You're going to have a ton of little kids running around with an open canal. That sounds concerning. So maybe just understanding that. Thank you. [01:03:23]

Amy Christianson 405 W 3650 S

[01:03:22] I'm speaking on my behalf of my father, Gerry Adair who lives at 855 Garden Circle. He would just like me to read part of the letter that he wrote. From an article that he wrote. (2. a printed copy of Mr. Adair's email is included in the printed, record copy of the meeting minutes).

And if I may speak for myself, my name is Amy Christianson and I live at 405 W 3650 S. I'm not even part of this neighborhood, but my family is impacted by it as well. My kids go to Heritage and I will not let them walk to their grandparents house on 800 W because I do not want them to get hit by a car. I make them go around the back way. And I also want to address that these conditions that have been set, they all appear to the esthetic of this community. It does not actually talk about the people that are going to be living in this community and the resources that they are going to take up. If you do the math, there's going to be at least, at least 75 kids in this park. That adds three extra classes to Heritage Elementary. They already have three portables there. And the conditions in those portables, my daughter is one of them is horrible. They don't have running water. And you're going to add more kids to that, which further is a detriment to their education. And we've already beat a dead horse about the street and the taxes. Just please don't do this. We moved to Nibley so that we can enjoy safety and peace and quiet and know that our kids are safe. [01:05:39]

Joseph Jacobson 875 W 2770 S

[01:05:54] Joseph Jacobson 875 W 2770 S in Nibley. I just want to go on record of that I oppose the mobile home park. I have a few concerns. I agree with what's been stated and mentioned. I do have some concerns about 8th W. Not only, even if they widen it with the construction. I'm assuming some of these homes will be built on site, but some will be moved in, which would have big trucks moving right along 8th W, which is a major corridor for Nibley Elementary School. And you have all these children with all these, not just construction trucks, but moving homes, you know, mobile homes in the park and that's a concern. Also, our resources have been mentioned, fire. A lot of these mobile homes. It's a conditional use permit. Who's in charge of regulating? Because Nibley City won't have any control. It'll be a private entity. So, these homes ought to be a great tax on our resources of fire, police, not alone, sewer. You have that many homes, and there needs to be some regulation to beefing up the sewer and water has been mentioned. Those are just a few of my concerns. But mostly I oppose it. I'm asking you as if it is to pass that we check all our codes to make sure that we can mitigate the impact on Nibley City as much as we can and forcing as much of those codes as can be complied upon them. Thank you. [01:08:10]

Gerry Adair 855 W 2930 S

Email submitted and read by Mr. Roberts (a printed copy of the email is included in the printed, record copy of the meeting minutes).

Amy Christensen

Letter submitted to staff read by Mr. Roberts (a printed copy of the letter is included in the printed, record copy of the meeting minutes).

Mickey Duke, M.U.P. 1012 W 2400 S

Email submitted and read by Mr. Roberts (a printed copy of the email is included in the printed, record copy of the meeting minutes).

The following public comments were submitted by mail or via email (a printed copy is included in the printed, record copy of the meeting minutes):

- Very concerned citizen
- thielestuff@yahoo.com
- Scott Larsen
- Kent Smith 2316 S 1200 W
- Jeremy Christensen 583 W 2700 S
- Ashley Cottrell 3023 S 1000 W
- Tamra Adair
- Holly Weston 1190 W Nibley Park Ave

Commissioner Obray closed the public hearing at 9:09 p.m.

Discussion and Consideration: Conditional Use Permit for Elkhorn Mobile Estates, a 68-unit Mobile Home Park on approximately 9.7 acres, located at 2850 S 800 W (Applicant: McKay Winkel)

Commissioner Obray addressed the public and thanked them for attending the meeting and getting involved. He explained that an ordinance was another word for law. He informed them that the discussion was the mitigation of a conditional use and was allowed under Nibley City law. He recited state statute. He reiterated that the discussion was to mitigate the impacts of a mobile home park and not whether they were going to have one. He encouraged the citizens to participate and get involved if they did not like it and gave Commissioner Mann as an example. He showed appreciation to Scott Larsen for reading the ordinance, understanding the laws, and wanting to hold the city leaders accountable for them. He communicated that the city must manage private property rights, public concerns, and account for the imminent growth. He declared that the owner of the property had rights that were protected by ordinance even if the Commission did not agree.

Planning Commission and staff addressed the questions from the public hearing as follows:

- **Parking**
 - Clearly addressed in the ordinance
 - Applicant met the minimum standard but that did not mean that they agreed the impact had been fully mitigated.
- **Fencing and Trails**
 - Minimum requirement was satisfied
 - Staff's responsibility to mitigate
- **Fire code and EMS services**
 - A mitigating factor that needed to be discussed
- **Traffic study**
 - Not required because development is less than twenty (20) acres
 - LOS C (Level Of Service C) required for 800 W, so could be required as a mitigating factor
- **Sidewalks**
 - Not the developer's responsibility
 - City would need to consider
- **Noise**
 - Accounted for under the noise ordinance
 - Call law enforcement
 - Difficult to enforce
 - Look at mitigating factors such as walls, landscaping, and setbacks
- **Architectural Design Standards**
 - Not adopted for mobile homes

Commissioner Mansell asked how a building permit would be required. Mr. Roberts responded that the City Building Inspector insured that it would be required. He assured that water and sewer would be reviewed in more detail with the subdivision.

Commissioner Obray asked about what type of homes, for example, if the homes were manufactured off-site and then delivered.

Commissioner Mansell expressed that a site plan was not enough to get his approval. He was not good with approving something without seeing greater detail. Mr. Roberts replied that a site plan was required for a conditional use permit.

Mr. Roberts explained Commissioner Mann's question on the assisted living development that was previously submitted for the parcel and notification to a resident on 2770 S.

Commissioner Obray clarified the confusion between subdivision and conditional use. Mr. Roberts added that zoning was based on the area and not a specific parcel.

Commissioner Mansell brought up the question regarding accessory buildings. Mr. Roberts did not feel like it was addressed in the code for this application.

Mr. Dickinson explained his job as the City Engineer. Specifically, to the conditional use permit, he said he addressed the fire flows, which were determined to be sufficient and reached out to the County Fire Marshall to discuss turning radius and fire hydrant locations. He said he would look at the sewer to make sure it would not exceed flow capacity. He responded to Commissioner Obray's question that the impact of the sewer would be the developer's responsibility and if capacity exceeded the limit, a condition could be set to increase the size of the sewer line. He touched base on traffic explaining the LOS and stated that 800 W was not anywhere near capacity. He explained that parking on 800 W was allowed as part of the Transportation Master Plan. He responded to Mr. Larsen's question if the three thousand (3000) units per day was a real estimate or a guess. He explained the traffic analysis and said the separation of accesses and aligning them with accesses on the other side of the road was looked at. He stated that he was a licensed building inspector and inspected a lot of trailer homes. He affirmed that a building permit was required, and engineering design practices were followed. He answered Brit Thomas' question regarding water pressure.

Commissioner Mann brought up the question regarding the master planned trail. Commissioner Brown asked what the city could do to make 800 W safer.

Commissioner Obray did not think they sufficiently reviewed all the mitigating factors required to allow the conditional use.

- Action:** To continue Discussion and Consideration: Conditional Use Permit for Elkhorn Mobile Estates, a 68-unit Mobile Home Park on approximately 9.7 acres, located at 2850 S 800 W (Applicant: McKay Winkel)
- Motion:** Commissioner Obray
- Second:** Commissioner Logan
- Vote:** Unanimous; 5-0

Mr. Roberts asked for clarification. Commissioner Obray thought it would be best to meet with staff to discuss mitigating factors, impacts and public comments. It was decided that he and Commissioner Mann would meet in January.

Public Hearing: Amendments to the Nibley City Moderate Income Housing Plan, an Appendix to the Nibley City General Plan

Commissioner Obray opened the public hearing at 9:44 p.m.

Seeing no public comment, Commissioner Obray closed the public hearing at 9:44 p.m.

Discussion and Consideration: Recommendation for 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**

Commissioner Mansell asked about the change in the ADUs (Accessory Dwelling Units). Mr. Roberts referred to the proposed changes in the Housing Plan.

- **Staff Recommendation**

Recommend approval of Resolution 22-30: Amendments to the Nibley City Moderate Income Housing Plan, an Appendix to the Nibley City General Plan

Action: Recommend approval for Amendments to the Nibley City Moderate Income Housing Plan, an Appendix to the Nibley City General Plan

Motion: Commissioner Brown

Second: Commissioner Logan

Vote: Unanimous; 5-0

Discussion and Consideration: Resolution 2022-P1: Adopting the 2023 Nibley City Planning Commission Meeting Schedule

Commissioner Obray reminded Mayor Jacobsen that Commissioner Mansell’s term was up. Justin Gilsdorf asked about the Commissioner appointments.

Mr. Roberts went over the schedule dates.

Commissioner Mann asked about the one meeting scheduled in December.

Action: Approval of Resolution 2022-P1: Adopting the 2023 Nibley City Planning Commission Meeting Schedule

Motion: Commissioner Logan

Second: Commissioner Mann

Vote: Unanimous; 5-0

Staff Report and Action Items

Commissioner Obray assumed one of the action items was to update the conditional use permit in an industrial zone. There was general consent to address it at the next meeting. Mayor Jacobsen explained that they already began the process of changing the ordinance on the last agenda which gave the city authority to deny any future mobile home park applications for up to six (6) months. Commissioner Obray asked that the discussion be put on the February 2, 2023, agenda.

Mr. Roberts reported on the following:

- Request from Jim Johnson for a public hearing to remove Meadowview Lane from the Transportation Master Plan
- Stokes Nature Center
- Landscapers on 3200 S

Commissioner Swenson adjourned the meeting at 10:02 p.m.

ATTEST:

Jamie Ann Gonzales, Assistant Recorder