
**City of Nibley
Planning Commission
Held at Nibley City Hall
455 West 3200 South
Nibley, UT 84321
Thursday July 6, 2023**

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

Commission Vice Chair Bret Swenson called the meeting to order at 6:31 p.m.

Present: Commission Vice Chair Bret Swenson, Commissioner Karina Brown and Alternate Commissioner Clair Schenk

Commission Chair Garrett Mansell via Zoom @ 7:49 p.m.

Absent: Commissioner Tyler Obray and Commissioner Matt Logan

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

Guests Present: Mayor Larry Jacobsen arrived at 7:24 p.m.

Applicants:

There was general consent for the evening's agenda.

There was general consent for June 1, 2023, meeting minutes.

Public Hearing: Ordinance 23-27- Amending NCC 19.20.010 Land Use Chart and 19.04.010 Definitions

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 23-27- Amending NCC 19.20.010 Land Use Chart and 19.04.010 Definitions

Mr. Roberts utilized an electronic presentation entitled *Land Use Chart Amendments* (a printed copy of the presentation is included in the printed, record copy of the meeting minutes). His presentation included:

- **Background**
- **Summary of Changes**

Commissioner Schenk brought up discussion on code requirements for mobile ice cream trucks

- **Staff Recommendation**

Recommend approval of Ordinance 23-27 – Amending NCC 19.20.010 Land Use Chart and 19.04.010 Definitions

Commissioner Schenk agreed that food trucks/mobile business should not be required to get a business license in every city. He reported that he had worked with a member of the *Hell's Angels* gang who transferred drugs around the neighborhood in an ice cream truck.

Commissioner Brown commented that *Logan* had mixed-use with commercial and residential on top.

Commissioner Swenson was concerned with a business coming to Nibley that was not on the chart. Mr. Roberts recited the update that was addressed in *NCC 19.20.010 Classification of New And Unlisted Uses* (a printed copy of this updated code is included in the printed, record copy of the meeting minutes).

Action: Recommend approval of Ordinance 23-27 – Amending NCC 19.20.010 Land Use Chart and 19.04.010 Definitions

Motion: Commissioner Brown

Second: Commissioner Schenk

Vote: Unanimous; 3-0

Public Hearing: Ordinance 23-28: Amending NCC 19.24.170 Landscaping, instituting water wise landscaping requirements

Commissioner Swenson opened the public hearing at 6:52 p.m.

Seeing no public comment, Commissioner Swenson closed the public hearing at 6:52 p.m.

Discussion and Consideration: Ordinance 23-28: Amending NCC 19.24.170 Landscaping, instituting water wise landscaping requirements

Mr. Roberts utilized an electronic presentation entitled *Water wise landscaping requirements* (a printed copy of the presentation is included in the printed, record copy of the meeting minutes). His presentation included:

- **Background**

- **Additional Standards**

- **Staff Recommendation**

Recommend approval of Ordinance 23-28: Amending NCC 19.24.170 Landscaping, instituting water wise landscaping requirements

- **Photos submitted by Commissioner Swenson**

Mr. Roberts explained in response to Commissioner Schenk, that the program was for existing developments through the buyback program and the standards were for new developments.

Commissioner Swenson received clarification that state participation in the program would not occur unless the city adopted the standards for new developments. It was Mr. Roberts' understanding that *Hyde Park* was the only city in the valley that adopted the program.

Commissioner Schenk brought up discussion on plant material and tree requirements in the park strip.

Commissioner Swenson wondered if there should be language in the draft that would require existing residents that wanted to participate in the program to install trees in the park strips that were missing them. Mr. Roberts responded that other than eligibility, the city was not getting in the middle of the administration of the program between the resident and the state.

Mr. Roberts explained the city's tree policy plan. He reiterated for Commissioner Brown that if passed, these changes would make existing residents eligible for the turf buyback program that she read about.

Commissioner Schenk received affirmation that there were regulations in the code for bushes and shrubs in the clear view triangle.

Commissioner Swenson recited NCC 19.24.170(A)(1) Landscaping (a printed copy of this is included in the printed, record copy of the meeting minutes). He pointed out that it did not mention *water conservancy* in the purpose. Mr. Roberts added it to the draft.

Commissioner Swenson questioned section (2) *Yard Requirements For Residential Zones: At least sixty percent (60%) of the area contained within a required front or side yard adjacent to a street in any residential zone shall be landscaped.* He wanted to know where that number came from. Mr. Roberts replied that it was already in the code and thought the idea was to prohibit a front yard with just hardscape. Commissioner Swenson asked what happened after the *two (2) years*. In response to Commissioner Brown, Mr. Roberts commented that the landscaping deposit previously recommended to City Council did not pass but could be recommended again. He said the *two (2) years* gave a clear deadline for completion and the ability to enforce through fines.

Mr. Roberts responded to Commissioner Brown that the primary purpose of this amendment to the ordinance was to make residents eligible for the turf buyback program. He said he did not know how the money was administered from the state in answer to Commissioner Swenson.

Commissioner Swenson asked if the state required participation in every zone and wondered if some could be eliminated. Mr. Roberts said the state did not break it down by zone and did not think it was an option, but could be explored. They discussed the larger zones.

Commissioner Brown clarified that they were not required to pass the landscaping requirements. Mr. Roberts pointed out that he received a handful of requests from residents that would like to participate in the program.

Mayor Larry Jacobsen arrived at 7:24 p.m.

Mr. Roberts brought up the photos submitted by Commissioner Swenson for discussion regarding *turf grass in areas less than eight (8) feet in width*. Mayor Jacobsen explained the meaning of *area* and the Commission discussed it. Mr. Roberts wanted to check on the interpretation with the state. The Commission discussed another photo regarding code of a standard street cross section and other examples that would not be allowed if the ordinance passed.

The Commission debated the meaning of 19.24.170(B)(4) *Turf grass is not allowed in park strips or areas less than eight (8) feet in width in new development*. They discussed the 20% groundcover recommendation from staff and received clarification from Mr. Roberts that it did not have to pass to be eligible for the program. Commissioner Swenson pointed out that the park strip would still look good without bushes. He questioned the meaning of 19.24.170(A)(4) *Maintenance: Required landscaped areas shall be maintained in a neat, clean, orderly, and healthful condition*. Mr. Roberts agreed that it was somewhat subjective and was already in the code.

Commissioner Swenson asked if there were right of ways in Nibley that were not park strips in reference to (B) *Landscaping in Public Street Rights Of Way*: Mr. Roberts explained that it was applicable to new developments.

Mayor Jacobsen found a letter copied to him from Water Conservation Manager Shelby Ericksen at the Utah Department of Natural Resources Division of Water Resources. He read the language she used *“no lawn on parking strips or areas less than eight feet in width and new residential development.”* He thought *Hyde Park’s* adopted ordinance put them in a “pickle” as recognized by Commissioner Swenson, because it stated that *no turf and asphalt are allowed in the park strip*.

Commissioner Mansell joined via Zoom at 7:49 p.m.

Mr. Roberts confirmed Commissioner Schenk’s question that existing residents needed to adhere to these standards as well as others required by the state. Mayor Jacobsen said that he was approached by people who wanted to do it and they wanted the city to pay a portion of the cost.

Commissioner Swenson agreed with Commissioner Mansell on further discussion. He wanted clarification on the park strips and thought the other zones were “red flags”. Mr. Roberts wanted to set a threshold size for a residential lot. Mayor Jacobsen gave clarification.

Commissioner Swenson recommended continuing the discussion. There was general consent.

Action: Recommendation to Continue Discussion and Consideration: Ordinance 23-28: Amending NCC 19.24.170 Landscaping, instituting water wise landscaping requirements
Motion: Commissioner Schenk
Second: Commissioner Brown
Vote: Unanimous; 4-0

Staff Report and Action Items

Mr. Roberts reported on the following:

- Action Items for the landscaping ordinance:
 - Research question on park strips in areas less than eight feet
 - Discussion at next meeting regarding shrubs
 - Applicable to all developments including larger lots
 - Requirement in all zones
- Commercial Rezone Application next meeting
- Heritage Parkway Subdivision Preliminary Plat
- WaterMark Property Agreement

Commissioner Swenson adjourned the meeting at 8:04 p.m.

ATTEST:

Jamie Ann Gonzales, Assistant Recorder