

A Meeting of the Nibley Planning Commission held at Nibley City Hall, 455 West 3200 South, Nibley, Utah on Thursday, January 20, 2022.

The following actions were made during the meeting:

Commissioner Swenson moved to recommend approval for Nibley Meadows Preliminary Plat, containing 273 residential units (mix of single-family and townhome units), located at approximately 1000 W 3200 S. (Applicant: 7 Point Royal, LLC) with staff recommendations. Alternate, Commissioner Werner seconded the motion. The motion passed unanimously 5-0; with Commissioner Obray, Commissioner Mansell, Commissioner Logan, Commissioner Swenson and Alternate, Commissioner Werner all in favor.

Commissioner Mansell moved to recommend approval for Ridgeline Park Phases 4-9 Preliminary Plat, containing 333 residential units (mix of single-family, townhome and condo units), located at approximately 250 W 3200 S. (Applicant: Visionary Homes) with staff recommendations and the condition that 2900 S and 250 W be built before the final plat approval of a third phase. Commissioner Swenson seconded the motion. The motion passed unanimously 5-0; with Commissioner Obray, Commissioner Mansell, Commissioner Logan, Commissioner Swenson and Alternate, Commissioner Werner all in favor.

Commissioner Swenson moved to recommend Alternate, Commissioner Ryan Werner as Chairman. Commissioner Mansell seconded the motion. The motion passed 3-2; with Commissioner Obray, Commissioner Mansell and Commissioner Swenson in favor. Commissioner Logan and Alternate, Commissioner Werner dissented.

Alternate, Commissioner Werner moved to recommend Commissioner Tyler Obray as Vice Chair. Commissioner Swenson seconded the motion. The motion passed unanimously 5-0; with Commissioner Obray, Commissioner Mansell, Commissioner Logan, Commissioner Swenson and Alternate, Commissioner Werner all in favor.

Planning Commission Chair, Tyler Obray called the Thursday, January 20, 2022, Planning Commission meeting to order at 6:31 p.m. Those in attendance included Commissioner Tyler Obray, Commissioner Garrett Mansell, Commissioner Matt Logan and Commissioner Bret Swenson. Alternate, Commissioner Ryan Werner arrived at 6:32 p.m. Levi Roberts, Nibley City Planner was present. Darren Farar, City Engineer was present. Jamie Ann Gonzales, Assistant Recorder was present to record the minutes.

Approval of the evening's agenda and previous meeting minutes

Commissioner Logan moved to approve the evening's agenda. Commissioner Mansell seconded the motion. The motion passed unanimously 5-0; with Commissioner Obray, Commissioner Mansell, Commissioner Logan, Commissioner Swenson and Alternate, Commissioner Werner all in favor.

Commissioner Mansell moved to approve the previous meeting minutes. Commissioner Swenson seconded the motion. The motion passed unanimously 5-0; with Commissioner Obray, Commissioner Mansell, Commissioner Logan, Commissioner Swenson and Alternate, Commissioner Werner all in favor.

Commissioner Logan moved to change the order of the evening's agenda to include Discussions, Public Hearings and then Consideration. Commissioner Mansell seconded the motion. The motion passed unanimously 5-0; with Commissioner Obray, Commissioner Mansell, Commissioner Logan, Commissioner Swenson and Alternate, Commissioner Werner all in favor.

Discussion: Recommendation for Nibley Meadows Preliminary Plat, containing 273 residential units (mix of single-family and townhome units), located at approximately 1000 W 3200 S. (Applicant: 7 Point Royal, LLC)

Applicant, Travis Taylor was present. He said he was looking for input on the 1.14-acre open space used as a retention pond adjacent to the dedicated City park. City Council was to decide if it would be owned and maintained by the City or HOA.

Mr. Roberts utilized an electronic presentation entitled *Nibley Meadows Preliminary Plat* (a printed copy of this electronic presentation is included in the printed meeting minutes). His presentation included *Summary, Master Plan, Preliminary Plat Phases, Background and Staff Recommendation*.

Public Hearing: Nibley Meadows Preliminary Plat, containing 273 residential units (mix of single-family and townhome units), located at approximately 1000 W 3200 S. (Applicant: 7 Point Royal, LLC)

Commissioner Obray opened the public hearing at 6:49 p.m.

Commissioner Obray closed the public hearing at 6:49 p.m.

Consideration: Recommendation for Nibley Meadows Preliminary Plat, containing 273 residential units (mix of single-family and townhome units), located at approximately 1000 W 3200 S. (Applicant: 7 Point Royal, LLC)

Mr. Farar gave more perspective on the dedication of the open space adjacent to the park. He said it did not matter to the applicant and discussed the positives of ownership by the City. He also mentioned the maintenance challenges faced by Public Works because of the high-water table and said they would rather not maintain it.

Alternate, Commissioner Werner asked about alternatives to retention basins. Mr. Farar replied that it was the program they had in place. He said they used a regional drainage standard that was utilized throughout Cache Valley. Commissioner Obray added that swales could also compensate for drainage.

Alternate, Commissioner Werner pointed out that retention basins exacerbated mosquito problems and wondered if there was an alternative way to avoid that. Mr. Farar responded that it was a high priority and a challenge to predict situations, while allowing developers to move forward in creating a development that met the standards.

Commissioner Obray asked Mr. Taylor if they were fine with either decision. He confirmed and said they were just asking for clarification and was not pushing one way or the other. Commissioner Obray thought it would be better for the City to keep their options open and retain the open space and move the retention pond.

Mr. Roberts responded to Alternate, Commissioner Werner's question regarding the amenity requirement of a sports field. Commissioner Obray clarified on the original intent of the open space. Commissioner Mansell questioned the usefulness of the space as a sports field and amenity if it was mostly under water. Mr. Taylor informed the Commission that the standards changed, and he did not think they would have the same issues. He said there were design changes that required the bottom to be brought up high enough so that it was not in the groundwater. Commissioner Obray clarified that the amenity was already accepted. He reiterated that the question was whether the City or the HOA should own and maintain the open space next to the park.

Commissioner Swenson asked if a percolation test had been done. Mr. Taylor said a percolation test was not needed, only soil types and the release rate into the canals. He made the correction that it was a detention pond, not a retention pond.

Commissioner Swenson said he trusted staff and was in favor of staff's recommendation. Alternate, Commissioner Werner saw value in being City owned, especially if it was adjacent to a bigger community park. Commissioner Obray believed in retaining ownership to dictate decisions. Commissioner Mansell struggled with it being counted as an amenity. Commissioner Swenson asked what the finished product would look like. Mr. Taylor said it would be grass and trees. Mr. Roberts said there was a good reason to go either way. Alternate, Commissioner Werner agreed with the City's recommendation and thought the HOA could possibly turn it over to the City if there was use for it later.

Commissioner Swenson moved to recommend approval for Nibley Meadows Preliminary Plat, containing 273 residential units (mix of single-family and townhome units), located at approximately 1000 W 3200 S. (Applicant: 7 Point Royal, LLC) with staff recommendations. Alternate, Commissioner Werner seconded the motion. The motion passed unanimously 5-0; with Commissioner Obray, Commissioner Mansell, Commissioner Logan, Commissioner Swenson and Alternate, Commissioner Werner all in favor.

Discussion: Recommendation for Ridgeline Park Phases 4-10 Preliminary Plat, containing 333 residential units (mix of single-family, townhome and condo units), located at approximately 250 W 3200 S. (Applicant: Visionary Homes)

Applicant, Ben Steele was present. Mr. Roberts utilized an electronic presentation entitled *Ridgeline Park East Preliminary Plat* (a printed copy of this electronic presentation is included in the printed meeting minutes). His presentation included *Summary, Development Plan, Preliminary Plat Phases, Infrastructure and Lot Configurations, Background* and Staff Recommendation. Mr. Roberts noted that Phases 4-10 were listed but it was actually Phases 4-9. The applicant was not proposing the preliminary plat for the commercial piece which would be Phase 10. He pointed out the phases as requested by Commissioner Mansell.

Mr. Steele introduced himself and Visionary Homes. He utilized an electronic presentation entitled *Ridgeline Park East Pre-Plat* (a printed copy of this electronic presentation is included in the printed meeting minutes). Commissioner Obray asked Mr. Steele to point out the phases. Mr. Steele gave the Commission a copy of the plat with highlighted phases to look over. Alternate, Commissioner Werner confirmed the inclusion of an active adult community in Phase 3. Mr. Steele pointed out the public and HOA roads as requested by Commissioner Swenson. Commissioner Logan brought up discussion regarding the on-street parking on 250 W.

Public Hearing: Ridgeline Park Phases 4-10 Preliminary Plat, containing 333 residential units (mix of single-family, townhome and condo units), located at approximately 250 W 3200 S. (Applicant: Visionary Homes)

Commissioner Obray opened the public hearing at 7:49 p.m.

Bonnie McBride 244 W 3200 S

She said they lived west of 250 W and thought it was a really, narrow intersection for all of that traffic.

Jeff McBride 244 W 3200 S

A school bus driver. He was concerned about snow removal on private drives and thought it was a safety hazard for children.

Commissioner Obray closed the public hearing at 7:52 p.m.

Consideration: Recommendation for Ridgeline Park Phases 4-10 Preliminary Plat, containing 333 residential units (mix of single-family, townhome and condo units), located at approximately 250 W 3200 S. (Applicant: Visionary Homes)

Hales Traffic Consultant, Scotty Duclos, *Visionary* Director of Land Development, Dallas Nicoll and *Civil Solutions* Office Manager Michael Taylor were present. Mr. Roberts informed the Commission that the previous recommendation for the commercial to be included in the preliminary report, was taken out after legal consult. Commissioner Obray reviewed the five (5) conditions recommended by staff.

Commissioner Swenson confirmed that the ordinance for parking requirements did not change and clarified that the fulfillment of the requirement did not include on-street parking on 250 W. Alternate, Commissioner Werner questioned a minimum width standard for on-street parking.

Mr. Roberts said that it was staff's recommendation to change to twenty-nine (29) feet which provided enough space for passing and parking on both sides. Mr. Steele clarified a different cross-section of 250 W that was thirty-eight (38) feet wide.

Commissioner Swenson was interested in knowing the liability of the lift station if it failed. Mr. Farar responded and said he had the same question however felt like there was a resolution that would eliminate the need for a lift station. He informed the Commission that existing lift stations had back up generators if the power went out. He said the *Hanson*, main, lift station had backup pumps. Commissioner Swenson thought liability should be included in the agreement should they go with the lift station route. Mr. Taylor said they could make it work but would need to have a cooperative agreement with the City and there were impacts. He cited Logan City as an example of lift stations with the same scenario. He thought Visionary Homes was in agreement with the City and preferred no lift station.

Commissioner Mansell was concerned that the only option for access until Phase 7 was 3200 S. Commissioner Obray agreed and thought it was a terrible idea and wanted the 2900 S access put in after a certain number of units were built. Mr. Farar discussed other access points, and concerns that needed to be resolved. He said UDOT was not concerned with 2900 S other than needing twenty (20) feet for safe access which was also the City minimum standard for two-way access. He discussed getting quitclaim deeds from the property owners to use the full twenty-seven (27) feet. He stated that in a traffic study, overall, the level of service in year 2040, at the intersection of 3200 S and Highway 165 performed at a *C* or *D* and *E* or *F* were unsuitable.

Mayor, Larry Jacobsen arrived at 8:09 p.m.

Commissioner Mansell said that his biggest concern was two access points that were on the same road. Mr. Farar thought it was important to work on the connection at the commercial and 2900 S. He said he preferred 2900 S.

Commissioner Obray said he was not willing to approve without the additional access points upon a certain number of units. The Commission discussed it. Mr. Farar said *D* was the minimum level of service required in the City. Commissioner Mansell brought up discussion about level *C* in the ordinance. Commissioner Mansell agreed with Commissioner Obray on approval.

Mr. Duclos commented on traffic analysis that was collected on Tuesday, August 31st.

The Commission discussed access requirements.

Mr. Duclos spoke further on the level of service at the signal on 3200 S and Highway 165. He said it was a *B* in 2021, 2026 and a *C* in 2040. He said the holistic movement of the signal never hits a *D*. Commissioner Obray did not agree. The Planning Commission discussed traffic.

Commissioner Swenson pointed out the traffic with the addition of Nibley Meadows. Mr. Duclos explained the travel demand model.

The Commission discussed conditions and the approval options for Phases 4-9.

Commissioner Obray said he saw statistical errors in the traffic study that he was uncomfortable with.

Mr. Steele pointed out that future connections to Highway 165 were contemplated and specified in the development agreement and they were happy to comply with those specifications. He felt like some of the discussions were asking above and beyond what was required in the Development Agreement. He explained 2900 S as written in the agreement. Commissioner Obray stated that the Commission agreed on the terms, but he did not feel comfortable approving the subdivision without knowing the right of way. Commissioner Obray and Mr. Steele debated. Mr. Steele and Mr. Nicoll said they could concede to complete the road and sort out the right of way by the completion of Phase 5. Commissioner Obray continued the discussion on the width of the road meeting the secondary exit requirements.

The Commission discussed legislative versus administrative approval. The Commission continued their discussion on the 2900 S right of way. There was a consensus that the road was needed as a second access point different from 3200 S. Commissioner Mansell thought that without it, it would hurt all the existing residents and without an answer, he was not willing to jeopardize their level of service for new residents. Mr. Farar said he shared similar concerns. He said the City will eventually have to purchase additional property to meet the sixty-six (66) foot right of way requirements. The Commission discussed eminent domain.

The Commission struggled with making a recommendation because the right of way was undefined and could end up being only twelve (12) feet. They discussed their options. Commissioner Mansell thought he would be in favor of tabling the discussion and wanted the attorney to weigh in. He said they also had a duty and obligation to the existing residents and if they approved the development and forced 471 units onto 3200 S, they would not have done their job and it would be a disservice. Commissioner Obray agreed.

Mr. Nicoll spoke to the Commission to find a way to approve with recommendations so it would move on to City Council. He said Visionary committed to paving the entire length of the right of way and felt they could get to the bottom of the issue quickly. Commissioner Obray explained the three (3) different votes that the Commission could move to approve. He said he did not see a reason to wait for the attorney's opinion and thought they should either vote *No* or *Yes*, subject to final approval when there was a decision regarding the right of way. He thought the Commission should be represented at the next City Council meeting to explain concerns regarding design and oversight. Alternate, Commissioner Werner also wanted a resolution added to the recommendation on the issue regarding the left turn onto Highway 165 from the commercial development. Mr. Nicoll gave further clarification on the commercial property and

UDOT's decision. Commissioner Swenson thought they should not table the discussion. Mr. Roberts cautioned the Commission on projecting traffic.

Commissioner Mansell moved to recommend approval for Ridgeline Park Phases 4-9 Preliminary Plat, containing 333 residential units (mix of single-family, townhome and condo units), located at approximately 250 W 3200 S. (Applicant: Visionary Homes) with staff recommendations and the condition that 2900 S and 250 W be built before the final plat approval of a third phase. Commissioner Swenson seconded the motion. The motion passed unanimously 5-0; with Commissioner Obray, Commissioner Mansell, Commissioner Logan, Commissioner Swenson and Alternate, Commissioner Werner all in favor.

Commissioner Swenson directed a question to Mr. Farar and Mr. Roberts about percentage of capacity on 3200 S once Nibley Meadows and Ridgeline Subdivisions were completely built. Mr. Farar did not think he could give an exact answer other. He said the traffic study that the applicant provided showed adequate levels of service at the year 2040. He said it included everything, not just these developments. Commissioner Swenson was wondering when 3200 S needed to be widened. Mr. Roberts thought there was quite a bit of extra capacity before it needed to be widened. He said the real issue was the intersections. Commissioner Mansell thought the previous City Planner, Steven clarified the level of service at a C. Mr. Roberts thought that the growth of Nibley, in a roundabout way, was accounted for in the traffic study.

Discussion and Consideration: Recommendation for Planning Commission Chair and Vice Chair

Commissioner Obray explained that the Commission Chair and Vice Chair used to be appointed by the Mayor and the new Mayor wanted it to be done democratically. Commissioner Logan said he liked the way it was with the current Chair and Vice Chair. Commissioner Swenson asked if an alternate could serve as a chairman. Mr. Roberts said he was unsure. Commissioner Swenson wanted to vote for Commissioner Brown as Chair. Mr. Roberts thought an alternate probably could be the Chair but would not be able to vote. Commissioner Swenson wanted to vote for Alternate, Commissioner Swenson as Chair if that was the case.

Mayor Jacobsen interpreted NCC 3.02.010 Established (A) *Membership: There is hereby created a planning commission of five (5) members, and one alternate. The Mayor, with advice and consent of the City Council, shall appoint all members and alternates to the Planning Commission. Members of the city council may not be appointed to the planning commission.* He thought it meant that they were all members of the Planning Commission, and the chair came from the Planning Commission. He did not see a prohibition on an alternate being chair.

Alternate, Commissioner Werner asked Commissioner Obray if he wanted to remain the Chair. Commissioner Obray replied that it did not matter to him one way or another. Alternate, Commissioner Werner said he was new and thought Commissioner Obray understood the process a lot better. He said he wanted to observe longer.

Commissioner Swenson moved to recommend Alternate, Commissioner Ryan Werner as Chairman. Commissioner Mansell seconded the motion. The motion passed 3-2; with Commissioner Obray, Commissioner Mansell and Commissioner Swenson in favor. Commissioner Logan and Alternate, Commissioner Werner dissented.

Mr. Roberts told the Commission that there was going to be training on rules and procedures.

Alternate, Commissioner Werner moved to recommend Commissioner Tyler Obray as Vice Chair. Commissioner Swenson seconded the motion. The motion passed unanimously 5-0; with Commissioner Obray, Commissioner Mansell, Commissioner Logan, Commissioner Swenson and Alternate, Commissioner Werner all in favor.

Workshop: Planning Commission Goals for 2022

Mr. Roberts utilized an electronic presentation entitled *Planning Commission Goals- 2022* (a printed copy of this electronic presentation is included in the printed meeting minutes). Commissioner Obray said they discovered problems with the landscaping ordinances and cited trees and watering concerns as an example. He asked Mr. Roberts to email the goals to the Commission and discuss at the next meeting. Mr. Roberts said it was already in the agenda packet. Commissioner Obray asked Mr. Roberts to send a reminder next Monday. Mr. Roberts agreed. Commissioner Mansell brought up Cluster Subdivisions. He also wanted to include Street Connectivity Standards as a goal. Commissioner Logan wanted to discuss annexing incentives for developers.

Commissioner Mansell agreed to represent the Planning Commission at the next City Council meeting.

Staff Report and Action Items

Mr. Roberts reported on the following:

- ADU and Short-Term Rental Ordinance was passed
- Derik Page, Heritage Crossing and Heritage Parkway Subdivisions
- Wesley Nelson Farms RPUD Application
- Training on Rules and Procedures
- Microsoft Teams Software

Commissioner Obray adjourned the meeting at 9:31 p.m.

Attest: _____
Assistant Recorder