
**City of Nibley
Planning Commission
Held at Nibley City Hall
455 West 3200 South
Nibley, UT 84321
Thursday June 2, 2022**

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

Meeting called to order at 6:30 p.m.

Present: Commission Chair Bret Swenson, Commission Vice Chair Tyler O Bray and Alternate Commissioner Erin Mann

Absent: Commissioner Karina Brown, Commissioner Garrett Mansell and Commissioner Matt Logan

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

Guests Present:

Applicants: Bryce Goodin via Zoom

There was general consent for the evening's agenda.

There was no motion to recommend approval of May 5, 2022, minutes due to no quorum present from that meeting.

Public Hearing: Hawk Hollow Subdivision Preliminary Plat, located at approximately 1150 West 3200 South (Applicant: Bryce Goodin)

Mr. Roberts utilized an electronic presentation entitled *Hawk Hollow Subdivision-Preliminary Plat* (His presentation included *Background, Preliminary Plat, Civil Plan, Utilities & Canals, Transportation, Open Space, and Staff Recommendation*).

Commissioner Swenson opened the public hearing at 6:49 p.m. He recited the Rules of Order.

Seeing no public comment, Commissioner Swenson closed the public hearing at 6:50 p.m.

Discussion and Consideration: Recommendation for Hawk Hollow Subdivision Preliminary Plat, located at approximately 1150 West 3200 South (Applicant: Bryce Goodin)

Mr. Goodin addressed the Commission via phone. He indicated that the only difference between staff's recommendation and his proposal with the open space, was to be able to provide a few blocks that could be marketed as equestrian lots.

Commissioner Obray questioned the three (3) goals listed in Nibley City Code. Mr. Roberts referred to *NCC 21.10.020 Open Space Subdivision (I)* (a printed copy of this code is included in the printed, record copy of the meeting minutes). He discussed the two (2) standards that were met and the opportunity to meet a third without dedicating the open space to the city. Commissioner Obray stated for the record that developers were not required to give the city land. He clarified that the open space required public access by either the Homeowners Association (HOA) or dedication to the city. Commissioner Mann received a response that the neighborhood was not designed as an HOA.

Commissioner Obray gave feedback for an archive of proposed plats to access for reference. He was concerned with too many intersections and inquired about access on 1200 W and 3200 S. Mr. Goodin responded that it was not going to be an issue on 3200 S based on the standards reviewed by his engineer. Commissioner Obray thought it was an issue based on the *Nibley Meadows* subdivision and four (4) major intersections inside of ninety-four feet. Mr. Roberts said it would be ideal to connect them through. Mr. Goodin added that he tried to "intermingle" the projects but was unsuccessful and with the removal of 1200 W, the design concepts for that did not work.

Commissioner Obray referenced his other concern in *NCC 21.10.020 Open Space Subdivision (A) (9)* (a printed copy of this code is included in the printed, record copy of the meeting minutes). He said there was only four (4) lots that had access to open space. It was his opinion that it did not meet the standards unless a trail access was added going to the dedicated park on the southern end of the subdivision. Mr. Goodin responded that he planned to have pedestrian access between the lots on the southeast bend connecting to the trail on 1100 W.

Mr. Roberts explained the abandonment of 1200 W. He informed the Commission that the plan was to rip out the asphalt once the project was completed. In response to Commissioner Obray's question, he said there were issues in granting easement access. Mr. Goodin added that there was not an efficient layout to utilize it.

Commissioner Obray stated that he did not think the city had a right to require the dedication of the open space and he was not comfortable with the two (2) access points. Mr. Roberts spoke to Commissioner Obray's comment on whether the city had the right and stated that it was in the code. He added that they could opt to do a standard subdivision instead.

In response to Commissioner Obray's comment about not being comfortable with the road alignment, Commissioner Swenson brought up intersections as one of the many issues addressed by engineers. Mr. Roberts added that part of the reason it was okay was the limited traffic going through the development. He thought there was a good opportunity to tie the open space and pedestrian access into the other developments.

Commissioner Mann received clarification that 1100 W was currently a farm road that would be a trail and not a public road. Mr. Roberts stated that it was consistent with the Master Street Plan.

Commissioner Mann asked if the city would be required to install fences between the homes if the open space was dedicated as a park. Mr. Roberts responded that it would be up to the property owners. He clarified that the developer could be required to put in sod and trees and the city would incur any other improvements. He informed her that the open space triangle on 1200 W was an abandoned right of way in the city's hands. They discussed the open space areas and usable benefits to the city.

Commissioner Swenson asked about the measurement and depth of the park strip swales and suggested that it should be included on the plat. Mr. Roberts agreed. He said a lot of the issues with swales came from the landscaping by the homeowners and the city was looking at different ways to address it. Commissioner Obray wanted clarification on the wider width of fourteen (14) feet. Mr. Goodin responded that the fourteen (14) feet was needed to get the storm water calculations for the storage needed. It seemed to Commissioner Swenson that the swale size should be dictated by the percolation tests. Mr. Goodin confirmed that there would be a percolation test as part of the Geotech study with the construction drawings and final plat. Mr. Roberts concurred that it was one of the recommended conditions. He elaborated on the balance between the design standards and the soil test. Mr. Goodin added that the design could change vertically based on the soil test, but they could set and feel comfortable with the horizontal design.

Commissioner Swenson inquired about the development of the trail on 1100. Mr. Roberts said it would be developed with phase ten (10) of *Nibley Meadows*. Commissioner Swenson pointed out payment for half of the trail in today's dollars compared to future prices when it was developed. Mr. Roberts thought the appropriate amount would need to be discussed and it was a good point to incorporate in the development agreement. He said ultimately, the developer of *Nibley Meadows* was going to build it and the applicant would pay them. Mr. Goodin wondered if that would come into play with some sort of *Pioneering Agreement*.

Commissioner Swenson proposed a requirement for a trail to 1100 between lots nine (9) and (10). Mr. Roberts thought that it was a good connection to the trail system and open space and one that Mr. Goodin was amenable to. Commissioner Swenson recommended that it be added to the conditions.

Commissioner Swenson felt the approval of the preliminary plat was premature given the question on open space as presented. In response, Mr. Roberts said it was difficult for the applicant to be ready when they did not know whether the city would opt to take ownership. Commissioner Swenson wanted to suggest continuing the discussion, with direction for the applicant to come back with something that met the design standards. The applicant responded regarding his options and meeting the three (3) standards. The Commission discussed buffering.

Commissioner Obray wanted to continue to reexamine the roads coming in and out of the subdivision.

Action: Continue Discussion and Consideration: Recommendation for Hawk Hollow Subdivision Preliminary Plat, located at approximately 1150 West 3200 South (Applicant: Bryce Goodin)
Motion: Commissioner Obray
Second: Commissioner Mann

Commissioner Swenson confirmed staff's recommendation to take ownership of the open space and make it a park. He generally agreed with that along with having a trail between lots nine (9) and ten (10). He hoped that gave the applicant some direction to come back with something more concrete. Mr. Roberts indicated that ultimately City Council would have to decide on ownership.

Vote: Unanimous

Discussion and Consideration: Recommendation for Green Acres Subdivision 1st Amendment (Applicant: Bill Green)

Mr. Roberts utilized an electronic presentation entitled *Green Acres Plat Amendment* (a printed copy of the presentation is included in the printed, record copy of the meeting minutes). His presentation included *Background and Map*. He mentioned that he added an updated plat and forgot to update the packet. He stated that the applicant met all requirements to dissolve the boundaries from three (3) of the lots.

Action: Approval of Green Acres Subdivision 1st Amendment (Applicant: Bill Green) merging the lots together
Motion: Commissioner Obray
Second: Commissioner Mann
Vote: Unanimous

Commissioner Obray brought up discussion for staff to research a way to grant access for an entrance on 1200 W so there would be two (2) different access points.

Commissioner Swenson stated that he loved the ordinance and would rather have the horseshoe and open space than an R-2 subdivision.

Action: Continue items (4) and (5) on the agenda
Motion: Commissioner Obray
Second: Commissioner Mann
Vote: Unanimous

Mr. Roberts reported that the next meeting on June 16, 2022, would probably be held at the Public Works building due to Heritage Days.

Mr. Roberts confirmed a folder for reference of approved preliminary plats.

Meeting adjourned at 7:44 p.m.

ATTEST:

Jamie Ann Gonzales, Assistant Recorder