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**City of Nibley  
Planning Commission  
Held at Nibley Public Works Building  
625 West 3200 South  
Nibley, UT 84321  
Thursday June 16, 2022**

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

Meeting called to order at 7:00 p.m.

Present: Commission Chair Bret Swenson, Commission Vice Chair Tyler O Bray, Commissioner Garrett Mansell, Commissioner Matt Logan, Commissioner Karina Brown, and Alternate Commissioner Erin Mann

Absent:

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

Guests Present: Mayor Larry Jacobsen

Applicants: Bryce Goodin

There was general consent for the evening's agenda.

There was general consent for May 5, 2022, and June 2, 2022, meeting minutes.

**Discussion and Consideration: Recommendation for 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, Updates (6/16)*, and *Staff Recommendation*). He recited the open space subdivision design standard code regarding pedestrian access.

Mr. Goodin confirmed the adequate intersection spacing and the dedication of the open space to the city as a park.

Commissioner Logan asked the Commission about their concerns from the previous meeting. Commissioner O Bray said they were addressed and discussed them. Commissioner Swenson brought up his concern regarding payment of the trail and Commissioner Logan inquired about payment for only half of it. Mr. Roberts responded that the applicant was on one side of the

trail and *Nibley Meadows* was on the other side. He said that a pioneering agreement was discussed that could be formalized during the development agreement.

Commissioner Mann had a follow up question regarding landscaping in swales and referenced *Apple Creek*. Mr. Roberts explained. He added that the city was trying to get out of the business of planting trees and put it back on the developer. He stated that the experience with the swales in *Apple Creek* was not optimal and the city would want to learn from it. Mr. Goodin added that they would put a note on the final plat regarding the swale and post a sign that it could not be filled in. Mr. Roberts explained efforts made in *Apple Creek* that did not work. Commissioner Swenson reiterated his concern about the depth of the swales and thought it should be on the final plat. He also asked if there was language in the code describing what kind of material could be used in the swale. Mr. Roberts replied that there were engineering specifications that came in the design standards. He knew that it specifically stated that weed barrier could not be used. Commissioner Mansell questioned why swales were allowed. Mr. Roberts informed him that it was a state policy to allow for low impact development.

Commissioner Obray received clarification on the last staff recommendation regarding grading of the lots. Mr. Goodin said he did another project where the back of the lot was sloped towards the front so that everything drained out. Mayor Jacobsen added that the recommendation was an “or” statement.

Commissioner Brown received clarification regarding the open space change of ownership. She inquired about fences and received an explanation regarding fence requirements along a trail or open space.

Commissioner Obray said that dependent on escalated interest rates and construction timeframes which could determine the final phase of *Nibley Meadows*, he wanted to make approval contingent that half of the trail was put in now. Mr. Roberts indicated that legality would have to be reviewed, but thought it made more sense to do half of the length instead of half the trail. The Commission discussed it.

Commissioner Logan brought up discussion on developer tree planting responsibility and maintenance. He expressed the need to make sure that the *Apple Creek* swale situation did not happen again and inquired about severe penalties. Mr. Roberts confirmed that code enforcement did not work great for the *Apple Creek* swales and explained. He responded that there was discussion regarding procedures, but nothing changed in the code. Commissioner Swenson thought the issue could be resolved with the landscaping ordinance. Mr. Goodin asked if it was part of the certificate of occupancy inspection. Mr. Roberts affirmed that they probably were not inspected as thoroughly as they could have been but would be going forward.

Commissioner Obray brought up further discussion on tree maintenance and wondered why it was not part of the certificate of occupancy. He said it did not make sense for the developers to put in the trees because there was no way to keep them alive. Mr. Roberts confirmed that it

was not legal to withhold certificate of occupancy for trees. The Commission discussed how it could be addressed in the landscaping ordinance. Commissioner Obray introduced the idea of a document signed at closing and the developer surrendered the rights of the bond to the homeowner should they complete the landscape. Mr. Roberts stated that long term this needed to be tidied up in the landscaping ordinance, but with this specific development, there would be a proposal in the development agreement that hopefully addressed it adequately. Mr. Goodin asked if a statement to surrender the bond to the homeowner could be part of the development agreement. Mr. Roberts thought it probably could be.

Mr. Roberts stated that the park impact fees were forty-five hundred dollars per unit in response to Commissioner Logan's question. He added that the park would be grass and trees and impact fees did not need to be earmarked for anything specific.

**Action:** Recommend approval for Hawk Hollow Subdivision Preliminary Plat, located at approximately 1150 West 3200 South (Applicant: Bryce Goodin) with staff recommendations  
**Motion:** Commissioner Obray  
**Second:** Commissioner Mansell  
**Vote:** Unanimous

Commissioner Logan brought up the inclusion of the trail. Mr. Roberts said it could be brought forward in the development agreement.

#### **Workshop: Future Land Use Map Designations for Annexation Areas**

Mr. Roberts utilized an electronic presentation entitled *DRAFT – Nibley Future Land Use Amendments -June 2022* (a printed copy of the presentation is included in the printed, record copy of the meeting minutes). Mr. Roberts gave background and utilized the map. He wanted to focus on future annexation areas with development potential. Among the four (4) different areas that were previously looked at, there was staff discussion on two (2) areas with changes noted.

He described the property adjacent to *Heritage Park* right across the street from *Clear Creek Park* and just to the south of *Strata Apartments*. The noted change on the map was at the corner of 800 W and 2200 S, from *Medium Density Residential* to *Commercial* and the remaining *Commercial and Medium to High Density Residential*.

Commissioner Obray asked if a developer was required to develop according to the designation on the Land Use Map. Mr. Roberts replied that it was just a guiding document and something to consult, but it signaled what the city would like it to be. The Commission discussed the likelihood of apartments.

Commissioner Mann received clarification on the decision of *Kartchner Homes* to annex into Nibley or Logan. Mr. Roberts said there would be hurdles if they wanted to go to Logan because it was not on their future annexation plan. Mayor Jacobsen added that during the *Campbell*

property annexation protest, Logan Attorney Housley, stated on record, that 2200 S was the difference between Nibley and Logan. He guaranteed that there would be a protest if the *Kartchner* property went to Logan.

Commissioner Brown initiated discussion about annexation boundaries and school district funding. She said she spoke with someone in the county on legislative changes and would follow up on specifics.

Commissioner Obray asked about the southern boundary on 4400 and the agreement with Hyrum. Mayor Jacobsen said the agreement was passed by Nibley City Council and was on Hyrum's list of things to work on. He elaborated on Commissioner Obray's question about Highway 101.

Commissioner Obray wanted to know what needed to be done to expand the annexation plan on the north side of 89/91. Mr. Roberts said it was a different process and the *Annexation Plan* and the *Future Land Use Map* would need to be amended. Mayor Jacobsen was in favor. Mr. Roberts said it would be good to look at where Nibley could more adequately provide utilities than Logan and include those areas. The Commission discussed it. Commissioner Swenson thought it should be a priority.

Mr. Roberts went on to discuss the other area at 3200 S and Hwy 89/91 with noted changes on the *Future Land Use Map*. The current map would show the area as *Commercial and Medium to High Density Residential*. He said it was staff's recommendation to expand just *Commercial* to at least three hundred yards from the highway and the existing USU parcel south as *Agriculture*. He responded to Commissioner Obray's question on why the designation was recommended. With regards to making the TDR (Transfer of Development Rights) work, Mayor Jacobsen expressed that the city needed to be careful not to give away what they would want to use as a bargaining chip in a transfer.

Commissioner Obray wished the designations could be more open ended. He did not like the idea of "winners and losers" and thought the market would dictate. Mr. Roberts said the reality was that they do pick "winners and losers." Commissioner Obray expressed interest in a commercial overlay zone. Mr. Roberts replied that he wanted to look at the Future Land Use Map with thoughts on combining what the projected growth was and how the city wanted to grow.

Commissioner Brown informed the Commission that she was participating in the *Housing Crisis Task Force* as part of her job with the county and said there might be an open space bond on the ballot pending County Council approval. In the *Housing Crisis Task Force*, she said it was made clear how important it was to plan for growth. And from her perspective, the importance of higher density was building up in certain locations, instead of out. She elaborated on the bond in response to Commissioner Mann.

Commissioner Swenson circled back to Commissioner Obray's idea of the commercial overlay and wondered if it was possible. Commissioner Obray said it was done in Draper. Mr. Roberts thought it would give the property owner more assurance. Mayor Jacobsen thought it would have more teeth.

Commissioner Obray wanted the *Agricultural* designation to be *Agricultural* or *Industrial* for the area at 3200 S and Hwy 89/91.

There was general consent for consideration at a public hearing.

#### **Staff Report and Action Items**

Mr. Roberts reported on the following:

- Tour of Cache
- Booths at Heritage Days
- Moderate Income Housing Plan HB 462

Mayor Jacobsen gave an update on the *Nelson Family Farm* development and road. He discussed the workshop held by City Council. It was his opinion that it was a good discussion. He reported that a committee was formed with himself, City Planner Levi Roberts, Councilmember Kay Sweeten as Chair and Councilmember Nathan Laursen. He wanted representation from the Planning Commission. Commissioner Swenson stated that Commissioner Mansell and Commissioner Obray were asked to be on the committee.

Meeting adjourned at 9:00 p.m.

#### **ATTEST:**

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Jamie Ann Gonzales, Assistant Recorder